



Crl.O.P.(MD)No.23106 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 16.12.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD)No.23106 of 2025

V.R.Kalainithi Aathithyan

... Petitioner

Vs.

1.State of Tamilnadu through
The Inspector of Police,
S.S. Colony Police Station (Crime),
Madurai City.

2.Ramalakshmi

3.Paulsamy

4.C.Lataha

5.Muthukumar

6.P.Senthilkumar

7.Selvakumar

8.A.Vekatachalm

9.S.Muhammed Rafik

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to issue direction to comply the order passed by the learned Judicial Magistrate No.V, Madurai in Cr.M.P.No.6736 of 2025 dated 15.10.2025 and to direct the



Crl.O.P.(MD)No.23106 of 2025

2nd respondent to conduct preliminary inquiry upon the petitioner's complaint dated 12.08.2025.

For Petitioner : Mr.B.Vinoth Kumar,
Advocate

For R1 : Mr.M.Sakthi Kumar,
Government Advocate (Criminal Side)

ORDER

The present Criminal Original Petition has been filed seeking a direction to the 1st respondent to comply with the order passed by the learned Judicial Magistrate No. V, Madurai, in Crl.M.P.No.6736 of 2025, dated 15.10.2025, and to direct the 1st respondent to conduct a preliminary inquiry on the petitioner's complaint dated 12.08.2025.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. It is the case of the petitioner that he purchased land measuring 10.5 cents out of a total extent of 92 cents, situated at Ponmeni Village, Madurai South Taluk, from one Mani, who is the erstwhile owner of the said property, on 26.04.2023. After the purchase, the petitioner was in peaceful possession and enjoyment of the said land. While so, respondent Nos.2 to 9 criminally trespassed into the petitioner's land, claimed ownership over the same, and



Crl.O.P.(MD)No.23106 of 2025

threatened the petitioner to vacate the land. In this regard, the petitioner lodged a complaint before the 1st respondent police against respondent Nos.2 to 9.

However, no action was taken on the said complaint. Hence, the petitioner approached the Commissioner of Police, Madurai. Thereafter, the 1st respondent merely issued a C.S.R., but no inquiry has been conducted for the past two years.

4. It is further submitted that, in the meantime, the petitioner spent a huge sum of money on fencing the land. However, on 12.08.2025, respondent Nos.2 to 9 again trespassed into the petitioner's land and damaged the fencing. The said incident was also complained of to the 1st respondent police and the Commissioner of Police, Madurai, but no action was taken. Thereafter, the petitioner filed an application under Section 175(3) of the BNSS before the learned Judicial Magistrate No.V, Madurai, which came to be allowed on 15.10.2025, directing the 1st respondent police to conduct a preliminary inquiry as contemplated under Section 173(3) of the BNSS and if a prima facie case is made out, to register an FIR and proceed with the investigation in accordance with law. However, the said order of the learned Judicial Magistrate has not been complied with by the 1st respondent police. Having no other remedy, the petitioner has filed the present criminal original petition before this Court.



Crl.O.P.(MD)No.23106 of 2025

WEB COPY

5. In view of the above, this Court directs the 1st respondent Police to comply with the order dated 15.10.2025 passed by the learned Judicial Magistrate No. V, Madurai, in Crl.M.P.No.6736 of 2025, within a period of two weeks from today.

6. Accordingly, this Criminal Original Petition is disposed of.

16.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
mkn

To

1.The Judicial Magistrate No.V,
Madurai.

2.The Inspector of Police,
S.S. Colony Police Station (Crime),
Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P.(MD)No.23106 of 2025

L.VICTORIA GOWRI, J.

mkkn

Crl.O.P.(MD)No.23106 of 2025

16.12.2025