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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2026

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.5794 of 2026

and

Crl.M.P(MD)No.6252 of 2026

P.Chellapandi

...Petitioner/Defacto Complainant

Vs

State of Tamilnadu,
Rep by Inspector of Police,
Uthappanayakkanur Police Station,
Usilampatti Taluk,
Madurai District.

...Respondent/Dejure Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, 2023, to call for the records relating to the R.C.S.No.84 of 2024 on 22.12.2025 filed by the respondent police before the file of the Judicial Magistrate Court II, Usilampatti, set aside the same and further granting an order for transfer of investigation to an unbiased independent investigation agency for a proper investigation of Crime No.85 of 2022 to meet the ends of justice.

For Petitioner : M/s.S.Ramu

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

The present petition has been filed by the defacto complainant in crime No.85 of 2022, on the file of the respondent police challenging the referred charge sheet No.84 of 2024 filed by the respondent police before the concerned Judicial Magistrate No.II, Usilampatti, on 22.12.2025.

2. At the instance of the petitioner, an FIR has been registered on 29.06.2022 in crime No.85 of 2022 as against the four accused persons for the alleged offences under Sections 379, 468 and 471 of I.P.C. After investigation, the respondent police have filed RCS report before the concerned Court in R.C.S.No.84 of 2024.

3. The petitioner herein had filed a Protest Petition and the Protest Petition was allowed by the concerned learned Magistrate on 06.05.2025 and further investigation was ordered. After further investigation, the respondent police have again filed a referred charge sheet. Challenging the referred charge sheet, dated 22.12.2025, the present petition has been filed invoking Section 528 of BNSS.



4. According to the learned Counsel appearing for the petitioner, the learned Judicial Magistrate is refusing to entertain any protest petition as against the second referred charge sheet filed by the respondent police and therefore, he is invoking the jurisdiction of this Court.

5. I have considered the submissions made on either side and perused the materials available on record.

6. There are no records or proof to show that the petitioner had ever filed any protest petition before the concerned jurisdictional Magistrate. In case if any such application is filed, the learned Judicial Magistrate No.II, Usilampatti, is directed to consider the same and pass orders on merits and in accordance with law.

7. With the above said observations, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is also closed.

24.03.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



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To

1. The Judicial Magistrate Court II,
Usilampatti.
2. The Inspector of Police,
Uthappanayakkanur Police Station,
Usilampatti Taluk,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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