

S.Velusamy vs State Represented By on 2 January, 2025

Author: P.Velmurugan

Bench: P.Velmurugan

Crl.O.P.No.32

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.32276 of 2024

S.Velusamy

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Vs.

State Represented by
The Inspector of Police,
District Crime Branch,
Tiruppur District,
Tiruppur – 641 604,
Crime No.21 of 2024.

... Respon

Prayer: Criminal Original Petition is filed under Section 528 of BN 2023, to direct the respondent police to register the case against offenders mentioned in the complaint forwarded for investigation vi order dated 23.08.2024 made in Crl.M.P.No.4233 of 2024 on the file the learned Judicial Magistrate, Palladam, as accused in Crime No.2 2024 on the file of the respondent police and strictly investigate as mandated under Section 176(1) of BNSS, 2023.

For Petitioner : Mr.P.M.Duraiswamy

For Respondents : Mr.S.Sugendran

Additional Public Prosecutor

<https://www.mhc.tn.gov.in/judis>

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Crl.O.

ORDER

This Criminal Original Petition is filed to direct the respondent- Police to register the case against all the offenders mentioned in the complaint forwarded for investigation vide order dated 23.08.2024 made in Crl.M.P.No.4233 of 2024 on the file of the learned Judicial Magistrate, Palladam, as accused, in Crime No.21 of 2024 on the file of the respondent-Police and strictly investigate the case as mandated under Section 176(1) of BNSS, 2023.

2. Learned counsel for the petitioner submitted that the petitioner had filed a private complaint in Crl.M.P.No.4233 of 2024 on the file of the Judicial Magistrate Court, Palladam seeking direction to respondent- Police herein to register the FIR and file a final report, which came to be allowed on 23.08.2024. As per the directions of the learned Magistrate, the respondent-Police herein had registered the case only on 16.10.2024 vide Crime No.21 of 2024 for the offences under Sections 295, 379 and 457 IPC and Section 3 of TNPPDL Act, 1992 against the accused persons. Though the complaint discloses the involvement of 17 named accused persons, who have illegally trespassed into the temple <https://www.mhc.tn.gov.in/judis> (Arulmighu Thiruneelakandiamman @ Kandiamman) premises during night time and cut down 60 years old very big sacred trees, using Pocklyn machines and big cranes and sold the same fire woods by using big vehicles, however, the case was registered only against 11 accused. Despite the complaint discloses fabrication of temple records and loss caused to the temple by the offenders, the offences under Sections 427, 468 and 471 IPC were omitted in the FIR. He further submitted that the respondent-Police is not pursuing the investigation as mandated under Section 176(1) of BNSS 2023 in a fair and impartial manner and the respondent/Police has not initiated any action to seize the vehicles involved in the crime.

3. Though the learned counsel for the petitioner submitted that after registrations of the case, the petitioner was summoned and his statement was also recorded, pending investigation, this Court is not inclined to give any direction, however, the respondent-Police is directed to expedite the investigation and file the charge-sheet within a period of two months from the date of receipt of a copy of this order. <https://www.mhc.tn.gov.in/judis>

4. With the above direction, this Criminal Original Petition is disposed of.

02.01.2025 Index : Yes/No Neutral Citation Case : Yes/No Speaking Order : Yes/No ms To

1. The Inspector of Police, District Crime Branch, Tiruppur District, Tiruppur – 641 604.

2. The Public Prosecutor, High Court, Madras.

3. The Judicial Magistrate, Palladam.

<https://www.mhc.tn.gov.in/judis> P.VELMURUGAN, J ms 02.01.2025
<https://www.mhc.tn.gov.in/judis>