

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II, COIMBATORE.

**Present: Thiru.N.Tamilinian. B.E., M.L.,
Judicial Magistrate No.I,
Judicial Magistrate No.II (FAC),
Coimbatore.**

Crl.M.P.No.7681/2024

CNR.NO.TNCB0A-009164-2024

Friday, the 21st day of August 2026

C.V.Subramanian,
S/o.Venkatraman,
D.No.7, Ground Floor,
Asha apartment 2nd Street,
Tatabad, Coimbatore.

... Complainant

/Vs/

K.Parameswara Iyer,
Asha Apartment Welfare Association,
D.No.13, 1st Floor,
Asha Apartment 2nd Street,
Tatabad, Coimbatore.

... Accused

This petition, coming before this Court for final hearing on 21.08.2026 and hearing petitioner side arguments and on perusal of the records, this court delivered the following :

ORDER

The Complaint is filed U/s.200 of CrPC to take cognizance of the offence punishable under section 268, 341 and 491 of IPC against the Accused herein.

2. Brief facts of the Case :

The Complainant states that he is residing alone at Asha Apartment, Tatabad, Coimbatore. The Association is collecting monthly maintenance through a unregistered association for a sum of Rs.2500/- is paid monthly by him and the premises are not maintained in a proper manner. The complainant has questioned

the income and expenses statement which is not shared openly. Due to the agitation made by him and complaints made, the respondents have stopped the delivery boys from delivery food at this doorstep. Thus he made several complaints to the Rathnapuri police station who reached the spot and enquired. Hence, it is necessary that cognizance be taken against the Accused U/s.268, 341 and 491 of IPC and taken on file and summons be issued to him.

3. What are the points for Consideration :

Whether there exists necessary materials to take Cognizance of alleged offences and issue summons to the Accused?

4. Findings and Decision:

Heard. Records Perused. The Case of the Complainant is that, he being a resident of Asha Apartments and living alone. The Complainant being a senior citizen and vision impaired person. The Apartment through a unregistered association is maintaining the apartment by collecting of sum of Rs. 2500/month and the said sum is paid by the complainant from time to time. Even after collecting the maintenance amount, the office bearers are not maintaining the apartment in a proper manner. When questioned by him about the income and expenditure statement the attitude of the respondents have changed. Since the complainant is relying upon the delivery boys for food delivery, the respondents have restrained them from reaching his doorstep and thus he is put to severe hardship. Due to the said activity complainant made several complainants to the Rathnapuri police station. Thus this Complaint. Sworn statement of complainant is recorded.

5. This Court has called for a report U/s.202CrPC and the SHO of Rathnapuri Police station has submitted the report. The Complainant has submitted that he is paying the monthly maintenance to the association regularly. On perusal of report, it is averred by the SHO that after enquiry with the apartment association it revealed that complainant did not paid the maintenance amount for several years and

causing nuisance to the other residents by his activities. Further there is no material on record that any person has committed an offence U/s.268, 341 of IPC. For an offence U/s.491 of IPC to be agitated it has to be before proper forum and not by a criminal action and no documents as to the bye-laws or office bearers are submitted to that effect. As this stage there cannot be any scope for cause of action. Whatever alleged to have happened should be necessarily substantiated by way of material evidence and thus, it can be held that the Complainant failed to make out a prima facie case based on the materials produced and the witness recorded.

Hence for the reasons stated supra, this Court is not inclined to take the Cognizance of alleged offences and issue summons to Accused. Hence, the Private Complaint is dismissed and same is ordered U/s.203 of CrPC.

This order is directly typed by me in official laptop, corrections made, and pronounced in open Court on this day of 21st August 2026.

Judicial Magistrate No.II (FAC),
Coimbatore.