

**IN THE COURT OF THE JUDICIAL MAGISTRATE No.II, AT
CHENGALPATTU**

**Present:- Tmt. S. Sahaana, M.A., M.L.,M.A.,
Judicial Magistrate No.II, Chengalpattu.
Monday, the 20th day of April 2026
RCS.No.45/2025 in Cr.No. 630/2024**

Rani,
w/o. Nagaraj,

... Petitioner

//Vs//

1. State represented by
The Inspector of Police,
Maraimalai Nagar P.S,
(Cr.No. 630/2024)

...1st Respondent

2. Mangalram

3. Deepak s/o. Mangalram

4. Sunil s/o. Mangalram

All are residing at
No. B/10, Pavendar Salai,
Maraimalai Nagar,
Chengalpattu District

..2nd to 4th Respondent

This petition came up on this day for final hearing before me in the presence petitioner and the respondent police present and upon perusing the documents and having stood over for consideration till this date this court made the following

ORDER

1. This petition filed against the negative final report Mistake of fact filed by the investigation officer in Maraimalai Nagar Police Station in Cr.No.630/2024 by way of protest to the findings made herein.

2. Brief averments of the Final Report:

On receipt of the complaint from one Rani on 24.02.2024, the defacto complainant lodged a complainant as against the accused regarding the pleading of jewels at the accused's shop and they failed to give receipt for the interest paid by the defacto complainant. When she lodged a complaint, all the accused attacked the defacto complainant's family. Based upon the complaint lodged CSR.No. 263/2024 was registered. The defacto complainant approached the Court seeking to

register FIR in CrI.M.P.No. 3657/2024. On enquiry, it appears that the defacto complainant does not have any document for paying the interest amount and getting the jewels and no evidence that the accused attacked them. On further enquiry, on 24.04.2019, Rani pledged 20 pound gold jewels on her son Navishkumar's name and obtained Rs. 3,25,000/- Receipt No. 3715. On 04.05.2019, 3 pound Gold bangles and Gold Chain were pledged in the name of Rani and obtained Rs.60,000/- Receipt No. 3826. On 13.05.2019, 2 sovereign gold chain was pledged and obtained Rs.36,000/- Receipt No. 3922. On 09.01.2021, 7 pound gold thali chain was pledged and obtained Rs.1,60,000/- Receipt No. 9228. In the year 2019, Rani has pledged 35.5 Sovereign jewels with Bagavathi and obtained Rs.9,00,000/- and for two years, Rani did not pay principal amount and as well as interest amount. When Bagavathi asked for the amount, Rani obtained a loan amount of Rs.11,20,000/- from Mangalram and redeeming the gold and gave it to Mangalram. In total, Rani has pledged 75 pound gold jewels and obtained Rs.17,26,000/- as loan. On enquiry, Rani does not have any receipt for paying the interest amount and for redeeming the gold jewels. On 27.05.2024, at Union Bank, the defacto complainant obtained loan of RS. 9,33,000/- and paid the money to Mangalram for 24 sovereign gold jewels. Rani did not pay the money for other jewels. The defacto complainant has also pledged gold jewels at Co-operative society, Canara Bank, Union Bank and she did not pay the interest amount and also did not redeem the jewels. Rani did not pay interest amount for redeeming the remaining 35 sovereign gold jewels and on 30.01.2024, Mangalram sent notice for sale of the jewels and Rani did not raise any objection and so Mangalram sold the jewels. When Rani asked for Thali Chain, Mangalram asked to pay the amount and to get alternate jewels. On 05.03.2024, at CSB Bank, 196.4 gram gold jewels were pledged in the name of Rani and obtained Rs.9,81,500/-. 165.8 gram of gold jewels in the name of Rani's husband and obtained Rs.8,23,000/- and 172.1 gram of gold jewels in the name of Rani's son and obtained Rs.8,46,500/-. The defacto complainant did not pay the interest amount and created problem mentioning the jewels has been altered and it has been informed to Mangalram and she redeemed the jewels by paying the interest amount and the principal amount. The defacto complainant does not any receipt for the payment of interest amount and redeeming the jewels and no reply was given for the sale notice. The time of the alleged attack was not mentioned and the neighbours also did not see any incident. The defacto complainant has trespassed into the Mangalram shop and threatened them. A case was registered in Cr.No. 121/2024 for offence U/s. 448, 294(b), 506(i) of IPC. In order to redeem the defacto complainant's jewels without paying the principal amount as well as the interest amount, Rani lodged this complaint. Hence mistake of fact (MF) report has been filed.

3. Brief averments of the protest petition:

The Petitioner/Defacto complainant is the victim in Cr.No. 630/2024 for offence U/s. 316(2), 318(4), 294(b), 351(2) BNS. After conducting an investigation, Final report has been filed

as Mistake of Facts. The Petitioner received intimation on 02.08.2025 and the final report filed by the Respondent Police are grossly incorrect, biased and legally unsustainable. The Respondent Police did not examine crucial eye witnesses, whose statements would establish the guilt of the accused. The Respondent Police failed to seize and consider vital evidence such as medical report. Hence, this court may direct the respondent police for further investigation or take cognisance of the offence, issue summons to the accused.

4. Point for Determination:

Whether the Mistake of Fact report filed by the prosecution on considering protest petition filed by the defacto complainant can be accepted or not?

5. Discussion:

The Learned counsel of defacto complainant contented that the accused trespassed into the house of the defacto complainant and attacked the defacto complainant's family and the accused did not give the receipt for the payment of the interest amount. The accused did not return the pledged jewels to the defacto complainant. The Police did not properly investigate the case and examine crucial witnesses. Hence, further investigation may be ordered or court may take cognisance issue summons to the accused.

6. On prosecution side, the learned Assistant Public Prosecutor contented that after getting report FIR has been registered by the police, investigate the case, collected the evidence, witnesses were also examined and recorded their statement and filed a report as mistake of facts. Hence there is no merits on the protest petition filed by the defacto complainant, hence final report filed by the police as mistake of fact may be accepted.

7. Heard. Records perused. On perusal of records, it reveals that, on receipt of complaint of Rani, the Respondent Police, Maraimalai Nagar Police Station registered an F.I.R. in Crime.No. 630/2024 offences u/s. 316(2), 318(4), 294(b), 351(2) BNS as against the accused persons. After registration of F.I.R. the investigation officer conducted investigation. During investigation, he has examined the petitioner/defacto complainant namely Rani, Navishkumar, Nagaraj, who are the alleged victim, Gowthamraj, who is the eye witness, Babu, Aravindan, who are the observation mahazar witnesses, Bagavathy, Selvam, Britto, Vimal, Thiyagarajan, Subramani, Maruthupandiyam. The above all the witnesses were examined by the Investigating officer and recorded their statements separately.

8. On going through the records, further it reveals that, there is a dispute between the defacto complainant and the accused Mangalram, who is running pawn shop in respect of the alleged pledging of jewels and alleged repayment of principal amount, the loan amount and alleged redeeming of gold jewels. The main contention of the petitioner is that the Investigating officer did not examine crucial witness and collect the necessary evidence.

9. On going through the records, it reveals that on 04.05.2019, the defacto complainant namely Rani has pledged 3 pound Gold bangles and Gold Chain were pledged in the name of Rani and obtained Rs.60,000/- - Receipt No. 3826 and on 13.05.2019, 2 sovereign gold chain was pledged and obtained Rs.36,000/- Receipt No. 3922 and on 09.01.2021, 7 pound gold thali chain was pledged and obtained Rs.1,60,000/- Receipt No. 9228. Further, it reveals that the defacto complainant has neither produced any receipt for the payment of the loan amount nor produced any evidence in payment of the principal amount for redeeming the alleged pledged gold jewels.

10. On going through the records, further, it reveals that there is no eye witnesses as well as oral evidence or documentary evidence in respect of the alleged occurrence by the accused person on the defacto complainant's family members. Further, it reveals that the accused Mangalram has lodged a complainant as against the defacto complainant in 121/2024 for offence U/s. 448, 294(b), 506(i) of IPC. On going through the records, further, it reveals that since there is no evidence in respect of alleged occurrence stated by the petitioner/defacto complainant and no documentary evidence in respect of the alleged pledging of jewels and alleged repayment of principal amount, the loan amount and alleged redeeming of gold jewels. Further, on going through the statements of the witnesses to the alleged occurrence, categorically stated that, they did not see the occurrence. Since, the dispute between the defacto complainant and the accused is in respect of the alleged reddeming of jewels, the defacto complainant has to approach proper forum for proper remedy. Hence the report filed by the Investigation Officer that the petitioner exagrated with imaginary and lodged a complaint with unhappened alleged occurrence is reasonably acceptable one.

11. In fine, on conjoint and comprehensive reading of all above parameters, having regard to the totality of the circumstances, this Court does not feel that this is a fit case where the court can take cognizance, by discarding the final report of Investigation Officer. Sequel to the findings, the protest petiton moved by the defacto complaint is dismissed and the Negative Final Report of Investigation Officer is accepted.

12. In the result, this final report is accepted and FIR is closed.

Dictated to Typist, directly typed by her, corrected and pronounced by me in open court this the 20th day of April 2026.

Judicial Magistrate No.II,
Chengalpattu.