

**IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL
MAGISTRATE, SHOLINGANALLUR**

Present:-Thiru. M.N. Rajanandhivarmasiva, B.E., M.L.,
District Munsif cum Judicial Magistrate,
Sholinganallur.

Friday, the 10th day of July, 2026

Crl.M.P.No.282/2026

Menaka (F/42)
W/o. Sripathy,
No.2/355, Kandasamy Nagar,
1st Street, Palavakkam, Chennai – 600 41.

... Complainant

-Vs-

1. The State rep. by
Deputy Commissioner of Police,
LB Road, Indira Nagar,
Adyar, Chennai – 600 020.

2. The Inspector of Police,
J8 Neelankarai Police Station,
No.220, East Coast Road,
Saraswathi Nagar, Neelankarai,
Chennai – 600 115.

... Respondents

This petition is filed by the petitioner u/s 223 BNSS R/W SEC 175(3) of BNSS, and M/s. K.S. Purushothaman, A. Tamizhvanan and A. Mohammed Ali, Learned Counsels appeared for the Petitioner/Complainant. After considering the materials on record the application was taken u/s 175(3) of BNSS, and after considering the materials on record and after hearing the petitioner who appeared before this court passed the following.

ORDER

1. This petition has been filed under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the respondent police to register a First Information Report on the complaint preferred by the petitioner and to investigate the matter in accordance with law.

2. The case of the petitioner is that she has been carrying on business in the name and style of Madarasi Enterprises since the year 2008, manufacturing eco-friendly plates and cups from palm leaves. It is stated that she had taken the premises belonging to the proposed accused on lease for a period of five years by paying an advance of Rs.1,50,000/- and monthly rent of Rs.20,000/-, which was paid through electronic mode.

3. According to the petitioner, during the subsistence of the tenancy, the proposed accused repeatedly compelled her to vacate the premises. Though the petitioner requested reasonable time to shift the machinery to another premises, the proposed accused allegedly disconnected the electricity and water supply, removed the pump motor and interfered with the business. It is further alleged that the rent for the period from May 2025 to September 2025 was adjusted towards the advance amount.

4. The petitioner further alleges that on 17.10.2025, the proposed accused, without issuing any notice and without following due process of law, entered the premises with the assistance of anti-social elements, forcibly evicted the petitioner,

damaged the machinery installed in the premises and removed valuable machineries and other movable articles. A complaint was lodged before the respondent police, for which a CSR receipt was issued. Since no FIR was registered, representations were submitted to the superior police authorities.

5. Pursuant to the direction of this Court, the respondent police filed a status report stating that an enquiry was conducted. According to the police, no CCTV footage was available, neighbouring persons stated that no such occurrence had taken place and the petitioner did not produce purchase bills relating to the alleged stolen articles. On the said basis, the complaint was closed.

6. Heard the learned counsel for the petitioner. Perused the complaint, the documents produced by the petitioner and the status report filed by the respondent police.

7. The allegations contained in the complaint, if taken at their face value, disclose allegations of forcible entry into the rented premises, removal of machinery and other movable properties, damage to the petitioner's business assets and unlawful dispossession. Such allegations prima facie disclose commission of cognizable offences requiring investigation.

8. The reasons assigned by the respondent police for closing the complaint, namely, absence of CCTV footage, statements of neighbouring persons and non-production of purchase bills, are matters touching upon appreciation of evidence. At the stage of registration of a First Information Report, the police are not expected to

conclusively determine the truth or falsity of the allegations. The absence of CCTV footage or purchase bills cannot, by themselves, be decisive grounds to refuse registration when the complaint otherwise discloses allegations requiring investigation.

9. Whether the petitioner was lawfully dispossessed, whether any movable properties were removed, whether damage was caused to the machinery and whether any offence has in fact been committed are all matters that can be ascertained only through a fair and impartial investigation.

10. In the circumstances, this Court is satisfied that the complaint discloses prima facie commission of cognizable offences warranting investigation.

11. Accordingly, this Criminal Miscellaneous Petition is allowed.

The respondent/Inspector of Police is directed to register a First Information Report on the complaint of the petitioner, if the complaint discloses cognizable offences, conduct investigation in accordance with law, and file the appropriate final report before this Court as expeditiously as possible.

Dictated to the Steno-Typist, directly typed by her, corrected and pronounced by me in open court on 10th day of July 2026.

**Sd/- M.N. Rajanandhivarmasiva,
District Munsif cum
Judicial Magistrate,
Sholinganallur.**