

**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.1783/2025

Arulnath Amirtharex Abraham, (M/50),
S/o. Abraham,
No.10, Devaraj Nagar,
Sholinganallur, Chennai – 600 119.

... Petitioner/Complainant

-Vs-

The State By
Inspector of Police
Semmancherry Police Station.

... 1st Respondent/Complainant

-Vs-

1. Chandrakanth
2. Dinakaran

... 2nd Respondent/Accused 1 & 2

This petition is filed by the petitioner u/s 175(3) of BNSS, and M/s. R. Sathish and C. Jaganathan, 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 Criminal Miscellaneous Petition has been filed seeking a direction to the respondent police to register a First Information Report on the complaint of the petitioner dated 26.06.2024 and to investigate the same in accordance with law.

2. The case of the petitioner is that proposed accused Nos.1 and 2 were well known to him for about fifteen years. According to the petitioner, when he intended to establish a new school and was in need of financial assistance of Rs.5 Crores, the proposed accused represented that they could arrange the said amount through their NRI contact without charging any interest and persuaded the petitioner to pay Rs.15,00,000/- towards processing formalities.

2.1. It is alleged that acting upon such representation, the petitioner paid Rs.10,00,000/- by bank transfer to the hospital account maintained by the first proposed accused and Rs.5,00,000/- in cash to the proposed accused. It is further alleged that despite receipt of the amount, the proposed accused failed to arrange the promised finance.

2.2. The petitioner further states that during the police enquiry held in the year 2021, the proposed accused admitted their liability and agreed to repay the amount in instalments. Pursuant thereto, they repaid Rs.4,00,000/- in all, leaving a balance of Rs.11,00,000/-. Thereafter, they allegedly failed to honour their assurance.

2.3. The petitioner would further submit that he lodged a complaint before the respondent police on 26.06.2024, for which a Community Service Register

receipt was issued. Since no further action was taken, he submitted a representation to the Deputy Commissioner of Police on 08.03.2025. According to the petitioner, despite the lapse of considerable time, no action has been taken by the police, necessitating the filing of the present petition.

3. I have heard the learned counsel for the petitioner and perused the complaint, copies of the representations and the documents produced. The materials placed before this Court disclose allegations that money was obtained from the petitioner on the basis of certain representations, that only part of the amount has been repaid and that the balance amount remains unpaid. Whether the allegations ultimately constitute the offences alleged or give rise only to civil liability is a matter that can be determined only after a proper investigation. At this stage, this Court is not expected to record findings on the merits of the rival claims.

4. The complaint and the accompanying materials disclose allegations which require investigation by the jurisdictional police. The respondent police, despite receipt of the complaint and subsequent representation, have not placed any material before this Court to show that appropriate action has been taken in accordance with law.

5. In the interest of justice and to ensure a fair investigation, this Court is of the view that the respondent police should examine the complaint in accordance with the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, and proceed further if the complaint discloses commission of a cognizable offence.

6. Accordingly, this Criminal Miscellaneous Petition is allowed. The respondent/Inspector of Police is directed to consider the complaint dated 26.06.2024, register a First Information Report, if the complaint discloses a cognizable offence, and thereafter conduct the investigation strictly in accordance with law. The respondent shall proceed independently, uninfluenced by any observations made in this order, which are confined to the disposal of the present petition.

In the result this petition is allowed.

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.**