

IN THE COURT OF DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PALLAVARAM**PRESENT: Thiru. C.P. MULLAI VANAN, B.A., B.L.,(Hon's),**

District Munsif cum Judicial Magistrate, Pallavaram

Saturday, 25th day of October 2025**CRL.M.P.No:1190/2025**

Ashok Kumar

.....Petitioner

/Versus/

The Inspector of Police, Sankar Nagar PS

.....Respondent

This petition came up for final hearing on this day in the presence of Tr.D.Maharajan, Learned Counsel for the petitioner. Upon hearing the petitioner side, perusing relevant records and having stood over for consideration till this date, this court delivers the following:

ORDER

1) Petition filed U/s 175(3) of BNSS for directing the respondent to register FIR and to further investigate the case.

2) Brief averments of the petition:

2.1) The petitioner submitted that Mrs. Malar Rathi is the absolute owner having title and unobstructed possession of the property of the residential apartment house situated at First Floor apartment, bearing No. B, having plinth area of 966 sq.ft., together with the 575 sq.ft undivided share of land, including common passage and common car parking situated at Plot No. 231, Door No.24, Gandhi Road, Anna Nagar, Pammal, Pallavaram Taluk, Chengalpattu District, comprised in old Survey No.73/2, patta No.4579, New Survey No.73/45, ward No. F, Block No.34, T.S.No.5, Survey No.73/45 and 73/46 admeasuring out of an extent of 3040 sq.ft. of land, registered on 05.05.2025 us document No. 4116 of 2025 at Sub Registrar Office Pammal and this property was purchased from one Mr.Rajasekar, Son of V. Thiyagarajan.

2.2) After purchasing this property the petitioner have spent about Rupees 5 lakhs towards renovation works and shifted Steel Almirah, other house hold articles to that property and kept some property documents certified copies in the steel almirah. When the petitioner and his wife with their two children were went for worshipping Thiruchendur temple, on the night at about 3.30 am on 05.06.2025, two persons later came to know that

one Mr.Prabau and another his wife Mrs.Rajamani relatives of the above said Rajasekar belongs to Thiruvudaimaruthur have unlawfully bresk open the lock of house door. On hearing the above news the petitioner had immediately phoned to Police to sale guard our property to phone number 100 and the Police went to the property and made enquiry about the incident.

2.3) On 05.06.2025 the petitioner alone returned to Chennai and had lodged a complaint with the Respondent Police at Shankar Nagar Police Station against the above said two persons for causing damages to the Lock by break open the door of property. On receiving the complaint from the petitioner the Shankar Nagar Police issued a C.S.R. vide number 799/2025. On 28.06.2025 night the petitioner along with his wife and children travelling by bus to their native place Thiruchendur to saw old aged sick father, on that same day that is on 28.06.2025 night at about 9.45 pm, the same persons Mr.Prabhu and his wife Mrs. Rajamani again unlawfully break open the door lock of property and unlawfully entered into the above property, they damaged the steel Almirah and taken away documents which was kept inside the almirah and unlawfully staying inside the house. On hearing the above news the petitioner discortinue the bus journey and returned to above mentioned house and questioned Mr.Prabhu and Mrs. Rajamani about their unlawful acts, they had scolded the petitioner with unparliamentary words and threatened the petitioner if he try enter into the house, the petitioner had peruse from out side the that our steel almirah has damaged, by the above persons, the documents which are kept inside the almirah are destroyed by the above persons and stolen away the materials and also they doing act of life threatening to the petitioner.

2.4) On 29.06.2025 the petitioner had lodged complaint in continuation of the first complaint with the Respondent Police at Shankar Nagar Police Station against the above said persons Mr.Prabhu and his wife Mrs.Rajamani. Due to no action taken by the Respondent Police, on 29.07.2025 the petitioner have send the same complaint to The Commissioner of Police, Tambaram City Police by register post with acknowledgement card for want of immediate action by the Police to file FIR against Mr.Prabhu and his wife Mrs. Rajamani. The complaint has been received by the Commissioner of Police Tambaram on 30.07.2025. For that effect the petitioner have filed complaint copy, postal receipt dated 29.07.2025 for the registered post, Acknowledgment card not yet received, hence the

petitioner have filed the postal department delivery manifest. Under the instigation and fraudulent intention of Mr.Prabhu and his wife Mrs. Rajamani, one Mr. Rajaseker who sold this property to wife had lodged a false complaint against the petitioner at Shankar Nagar Police Station with concealing the fact of acceptance of sale consideration amount from the petitioner's wife and Mr.Prabhu and his wife Mrs. Rajamani threatening life by their man power. Though the complaint has been received by the Respondent Police on 05.06.2025 and on 29.06.2025 they issue CSR on 05.06.2025, and the complaint also received by the Commissioner of Police, Tambaram City on 30.07.2025, but neither has any case been registered nor an investigation conducted on the complaint, hence the petitioner have seeking direction forms Hon'ble Court to the Respondent Police, to register the case for the alleged offences. Hence, the petitioner filed this petition u/s. 175(3) BNSS seeking to direct the respondent to register a FIR as against the accused.

3) After having heard the petitioner side enquiry this court ordered the respondent to file the status report and the status report.

4) Brief averment of status report filed by the respondent:

The respondent submits that the petitioner is the financier and accused requested the petitioner to provide loan and in turn the petitioner obtained sale deed of the residence of the accused inorder to obtain loan through mortgage but the petitioner has not paid the amount to the accused and the belongings of the accused was kept in the said house alone and the accused also filed an application to the SRO, District Collector to cancel the sale deed.

5) Petitioner side Heard. Records Perused. Upon perusal of records viz., complaint, affidavit of the petitioner, documents filed it is found that the accused had break open the house and taken the belonging of the petitioner and for the said allegation the petitioner has been lodged a complaint against the accused before the Inspector of Police, Sankar Nagar PS dated 05.06.2025 and obtained CSR receipt dated 05.06.2025 and the petitioner also lodged a complaint to the Commissioner of Police Tambaram City dated 29.06.2025 and obtained the acknowledgment but no proper action and no investigation was initiated. Thus the petitioner has complied the requirements u/s 174(4) of BNSS.

6) Further Our Hon'ble Supreme Court held in Lalita Kumari & Others Versus Government of U.P & Others [2014 (2) SCC 1], registration of the FIR is mandatory if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.

7) Therefore considering the facts and circumstances of this case, this court finds that in this case prima fascia case is made out as against the accused and the act of said accused clearly discloses the commission of a cognizable offence. Hence, in the interest of justice, this complaint is forwarded to the SHO, Sankar Nagar PS u/s 175(3) of BNSS to investigate the case and file the report and directed to the proceed case in accordance with law. Further this court also directs to conduct preliminary enquiry if the fact and circumstances of the case warrants and proceed the case in accordance with law and file the report before this court on or before 25.11.2025.

8) In result, this petition is allowed accordingly. For compliance Call on 25.11.2025.

Directly dictated to typist and typed by her in the computer and corrections made over by me and pronounced in the open court on the 25th day of October 2025.

District Munsif- cum-
Judicial Magistrate,
Pallavaram.