

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II**Present: C.DINESH KUMAR B.A.LL.B(Hons)., LL.M**

Judicial Magistrate No.II, Dindigul

On Tuesday, the 02nd day of June 2026**C.R.M.P.No.419/2026****CNR.No.TNDG03-001024-2026**

J.Karthick (38/2025),
S/o.Jawaharlal,
Door No.24/184,
Bellpark Road,
Nagal Nagar,
Dindigul.

... Petitioner/Complainant

/Vs./

1.D.Manikandan (38/2025),
S/o.Duraipandi,
Kuppusamy Iyer Complex,
No.1, Thadicombu Road,
(Opp. to Aravind Eye Hospital)
Dindigul.

2.B.Mohammed Aliyar (35/2025),
S/o.Bakkar,
Kuppusamy Iyer Complex,
No.1, Thadicombu Road,
(Opp. to Aravind Eye Hospital)
Dindigul.

3.K.Maduraiveeran (40/2025),
S/o.Kamaraj,
Kuppusamy Iyer Complex,
No.1, Thadicombu Road,
(Opp. to Aravind Eye Hospital)
Dindigul.

4.K.Paramasivam (55/2025),
Kuppusamy Iyer Complex,
No.1, Thadicombu Road,
(Opp. to Aravind Eye Hospital)
Dindigul.

5.Abhib Rahman (40/2025),
Kuppusamy Iyer Complex,
No.1, Thadicombu Road,
(Opp. to Aravind Eye Hospital)
Dindigul.

... Accused

The Inspector of Police,
Town North Police Station,
Dindigul.

... Respondent

This petition has been filed U/s.175(3) BNSS on 23.02.2026 by Petitioner /accused counsel Thiru.A.Nazar Mohamed, M.A., B.L., Advocate, Issued notice to concerned Police. Reply received and on considering the contention raised by both sides and on perusal of case records, this court delivers the following.

ORDER

U/S. 175(3) of BNSS

1. The Petitioner had filed his affidavit in support of the allegations made in the petition. Perused the materials placed on record, Heard the counsel for the petitioner and perused the report filed by the police.

2. It is stated in the petition filed by the petitioner that, the petitioner along with his wife is owning a textile business under the name and style of "Manilal Textiles." And it is also stated that, for his business purposes, the petitioner purchased a Toyota

Innova Crysta car, registered as TN 57 CH 0009, under a hypothecation arrangement with Tamilnadu Mercantile Bank Ltd. The petitioner states that, he has been regularly discharging his Equated Monthly Installment (EMI) obligations towards the said hypothecation without any default. The 1st respondent is the known person to the petitioner since the 1st respondent is the District president of the Indian National Congress Party. The petitioner further states that, the 1st respondent, requested the petitioner to lend him the aforementioned car for an outstation trip, assuring that he would return the vehicle immediately thereafter. Believing his representation, the petitioner handed over the vehicle to the 1st respondent. However, the 1st respondent failed to return the vehicle. Additionally, the 1st respondent owes a sum of ₹40,00,000/- (Rupees Forty Lakhs) to the petitioner in connection with another transaction and has deliberately evaded repayment of the same. On 18.09.2025, the petitioner met the 1st respondent at the Congress Party Office and demanded to return his vehicle. But the 1st respondent refused to return the vehicle and threatened the petitioner with dire consequences. Furthermore it is stated that, on 21.09.2025, the 1st respondent sent his henchmen to the petitioner's residential premises, who issued threats to the petitioner's family. Hence the petitioner had lodged a written complaint before the Town North Police Station And thereafter a complaint was lodged before the superintendent of police on 22.09.2025 but no action was taken till now.

3. Hence the petitioner prays that, the respondents are committed an offence U/s.314, 316, 318(2), 329(4), 351(3) of BNS and liable to be punished.

4. In the judgment of Lalithakumari Vs. Government of Uttar Pradesh and others 2013(4) Crimes page 243(SC), the Hon'ble Supreme Court has held that if the criminal petition discloses a cognizable offence, an Investigation shall commence with registration of F.I.R. however, exception to this, in respect of following criteria.

- i) Family/matrimonial disputes
- ii) Commercial offences
- iii) Medical negligence cases
- iv) Corruption Cases
- v) Cases where there is abnormal delay in initiating criminal prosecution,

preliminary enquiry to be envisaged prior to registration of F.I.R.

5. On going through the allegations contained in the petition, it discloses a criminal complaint which appears to be investigated, and upon going through the report filed by the police, though the matter is appeared to be the civil nature, since the petitioner had voluntarily himself handed over the Innova Crysta Car bearing Reg.No.TN 57 CH 0009 to the respondent for using it for political purpose and the possession of the car was in the hand of 1st respondent. But upon perusal of records, and the police report it is clear that, owner of the car is the petitioner and he had purchased through the loan and the loan amount due was also being paid regularly by the petitioner and there is no any hypothecation between the 1st respondent and the petitioner and moreover as it is reported by the police that, there is a money transaction between petitioner and the respondent, but there is no any contract or any agreement between the petitioner and the 1st respondent regarding the possession of petitioner's car. But the respondent failed to return back the car which was handed over to the 1st respondent and also threatened with the dire consequences which is clear from the video footage submitted before this court. Hence in order to findout whether the offence of criminal breach of trust or intention to cheat the petitioner as said in the petition committed by the respondents would be revealed after only due investigation. Hence, in the interest of justice, this court is of opinion that, preliminary enquiry is necessary in this case. Hence the Inspector of Police, Town North Police Station, Dindigul is directed to conduct a

preliminary inquiry to ascertain as to whether the information furnished in the complaint reveals any cognizable offence. If the complaint reveals cognizable offence, then register the FIR and if it does not reveals any cognizable offence then, file a report before this court by giving the notice to the defacto complainant.

6. If the police officer concerned neither conducts preliminary enquiry nor take up this matter for investigation as per this order, the aggrieved petitioner may seek remedy in terms of decision rendered by Hon'ble High Court of Madras in Sugeshan Transport Pvt. Ltd. Vs. The Inspector of Police, reported in 2016 (2) L.W.499.

Accordingly this petition is Allowed.

This order was dictated to Steno Typist by me, typed by him, corrected and pronounced by me in Open Court today, the 2nd day of June 2026.

Judicial Magistrate No.II
Dindigul.