

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 Thursday, the 09th day of April 2026**C.R.M.P.No.2813/2025****CNR.NO.TNDG03-006173-2025**

Veerapillai (80/2025),
S/o.Perumalpillai (Late)
Door No.4/476, Arunachalam Nagar,
Collectorate Post,
Dindigul.

... Petitioner/Complainant

/Vs./

1.Kalidass (43/2025),
S/o.Nallamuthu,
Muniyapillaipatti,
Viralipatti,
Thadicombu village,
Dindigul.

... Accused

The Sub Inspector of Police,
Thadicombu Police Station,
Dindigul.

... Respondent

This petition has been filed U/s.175(3) BNSS on 14.08.2025 by Petitioner /accused counsel Thiru.K.Anbarasan, M.B.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 partition was held between the petitioner and the petitioner's brother on 1987 through the partition deed. And thereafter, the petitioner's brother's wife and son who was the respondent in this petition had quarreled with the petitioner several times and hence the petitioner had approached the police station and gave a complaint several times and only CSR was filed and no action was taken. While being so on 26.06.2025 at about 10 A.M. the respondent and another person came to the petitioner's field and shouted against the petitioner's daughter using the obscene words and threatened to surrender the property of the petitioner to the respondent and thereafter on 01.07.2025 the respondent had come to the petitioner's house and again shouted and threatened the petitioner and hence the petitioner had also gave a complaint against the respondent to CM cell. And thereafter on 18.07.2025 the petitioner had gave a complaint before the superintendent of police and thereafter no action was taken till now. While being so on 07.08.2025 at about 5 P.M. while the petitioner was in the petitioner's property (agricultural land) the respondent had come and damaged the water channel made of plastic pipes worth for an amount of Rs.20,000/- and also damaged the trees over there and while asking the respondent to stop the mischief. The respondent threatened the petitioner with the dire consequences and pushed the petitioner down.

3. Hence the petitioner prays that the respondent are committed an offence U/s.296(b), 351(2), 324(2) of BNS & 4 of TNPHW Act 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, it is found that, the main contention of the petitioner is that, the respondent is continuously disturbing the petitioner and threatening with the dire consequences and harassing the petitioner's daughter often in order to make the petitioner surrender his property. And on going through the records and the police report, though it is found that, the main fact of the case is regarding the civil dispute and the title dispute between the petitioner and the respondent and the civil suit was also pending, since the respondent had continuously disturbing the peace of the petitioner and quarreling with the petitioner and making the damage to the petitioner's property and in order to find out whether the offence as said in the petition committed by the respondent would be revealed after 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, Thadicombu 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 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 09th day of April 2026.

Judicial Magistrate No.II
Dindigul.