

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 Wednesday, the 24th day of June 2026****C.R.M.P.No.2891/2025****CNR.No.TNDG03-007146-2025**

R. Sakthivel (53/2025),
S/o.Ramasamy,
29A, V. Chithur,
Mottanampatti (PO),
Vadamadurai (Via),
Dindigul.

... Petitioner/Complainant

/Vs./

1. Prabhakaran, (48/2025),
S/o. Chinnaiah,
Nadumandalam Village,
Natham,
Dindigul.

2. K. Fathima Begam, (55/2025),
S/o. Kathar Batcha,
Keelakuthistreet,
Thuraiyur,
Trichy.

...Respondent/ Accused

The Inspector of Police,
District Crime Branch Police Station,
Dindigul.

... Respondent

This petition had been filed U/s.175(3) of BNSS Act on 29.09.2025 by
Petitioner / Complainant counsel Thiru. S. Yuvaraj Senthil Kumar, 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 has filed his affidavit in support of the allegations made in the petition. Perused the materials placed on record, Heard the counsel for the petitioner.

2. The case of the petitioner is that, the petitioner's son was owing a construction company namely "SAI NITA CONSTRUCTION" While being so, the 1st respondent who was the member of Dindigul congress party had introduced the 2nd respondent and told the petitioner that, he want to construct 200 house through the fund received from the foreign bank through "FATHIMA EDUCATIONAL AND RURAL DEVELOPMENT TRUST" and told the petitioner to give Rs.10,00,000/- to start the work and on believing this the petitioner had also arranged Rs.10,00,000/- and gave the amount to the 1st and 2nd respondent on 04.03.2021 and they gave the certificate from the bank and they also executed a unregistered contract. But thereafter there was no any step taken by the respondent to start the work nor they had returned the money to the petitioner. It is also further stated that, the respondents had trespassed into the house of petitioner on 14.02.2025 at about 7.00 pm and they threatened the petitioner with the dire consequences .

3. Hence the petitioner prays that, the respondents are committed an offence U/s. 61(2), 126(2), 318(4), 296, 351(2) of BNS and liable to be punished.

4. And hence this petition is filed before this court. Notice sent to concerned police and report received.

5. 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.

6. On going through the allegations contained in the petition, and the report submitted by the police, it discloses a criminal complaint which appears to be investigated. Though this fact is appeared to be a civil in nature, but on going through the report and the other documents submitted, it found that, the petitioner was induced by the promise made by the respondents and had gave the amount of Rs.10,00,000/- to the respondents which could be seen from the letter written by the respondents in the police station during the enquiry, stating that they had received Rs.10,00,000/- from the petitioner and they repaid Rs.1,00,000/- to the petitioner and they had promised to pay the remaining amount of Rs.9,00,000/- within one month. Hence the fact itself shows that the respondents had borrowed amount from the petitioner. Hence, in order to find out whether the transaction is made with the intention by the respondents to cheat the petitioner, would be found out only after the due investigation. And hence, in the interest of justice, this court is of opinion that preliminary enquiry is necessary in this case. Therefore the Inspector of Police, District Crime Branch- I, 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.

7. 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 being dictated, typed, corrected and pronounced by me in Open Court this the 24th day of June 2026.

Judicial Magistrate No.II
Dindigul.