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 18th day of June 2026
Crl.M.P.No.311/2026
CNR.No.TNDG03-000616-2026

J.Sudhakar (65/2025),
S/o.James,
Door No.9, Black Bun Compound,
Malli Road, Kodaikanal,
Dindigul District.

... Petitioner/Complainant

/Vs./

1.Raja @ Pandiyaraj
S/o.Duraipandi,
Near Romand Showroom,
Ram's Apartment,
Kaalavasal, Bypass Road,
Madurai.

2.Anithra
W/o.Raja @ Pandiyaraj,
Near Romand Showroom,
Ram's Apartment,
Kaalavasal, Bypass Road,
Madurai.

3.Padmanapan (Manager)
GLS Garments,
2/366, Om Sakthi Nagar,
Palani Road,
Dindigul.

... Accused

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

This petition has been filed U/s.175(3) BNSS on 22.01.2026 by Petitioner /accused counsel Thiru.K.Murugan, B.A., LLB., 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.

O R D E R

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 had purchased the land which extent to 11 cent which belongs to the 1st respondent on 14.06.2002 through the sale deed in Doc. No.511/2002. And thereafter the petitioner and the 1st respondent had became the friends and the 1st and 2nd respondents who are the husband and the wife each other and they were owning the garment shop and told the petitioner to invest and to become the partner in the garment business for 10% share. And they also told that they would arrange the amount through the loan from the Canara Bank, Tripur district through the mortgage. And the 1st and 2nd respondents had asked the petitioner to bring his original deed and on believing the same the petitioner had also went with the in doc No. 2189/1995 and 511/2002 and the 1st and 2nd respondent had got the document from the petitioner and handed over to the 3rd respondent who was the bank manager and obtained various signature from the petitioner. It is also stated in the petition that, the respondent had promised that they would return the original deed after

3 years. But the original deed was not handed over the petitioner even after 10 years. And on 28.05.2019 the petitioner had shocked by seeing the property which was mortgaged was auctioned by the bank and the petitioner on seeing that, he had enquired the respondents to return back the original documents , but they said to the petitioner to pay the loan amount along with the interest of Rs.77,00,000/- and they would pay that amount within one month to the petitioner. And the petitioner had also paid the amount of Rs. 77,00,000/- to the bank and redeemed the property but the respondents had not repaid any amount to the petitioner as promised. Hence the petitioner had lodged a complaint before the District Superintendent of Police, Dindigul on 16.04.2025, it was forwarded to the District Crime Branch Police Station but no action was taken till now.

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

4. In the judgment of Lalithakumari Vs. Government of Uttar Pradhesh 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, 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 to determine mortgage was valid and made for proper consideration, but on going through the report and the other documents submitted, it found that, the petitioner had mortgaged his property for joining the petitioner as a partner on the promise made by the respondents and moreover as it said in the report of police, the petitioner had not submitted any document relating to the transaction but the petitioner submitted the letter received from the bank stating that release of the property from the auction and hence inorder to findout whether there is a intention by the respondents to cheat the petitioner would be found out only after the due investigation regarding the transaction and other documents. 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.

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 18th day of June 2026.

DINESH KUMAR C
Digitally signed by DINESH KUMAR C
Date: 2026.06.18 15:31:32 +0530

Judicial Magistrate No.II
Dindigul.