

**IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II,
DHARMAPURI**

Present : Tmt.R.Sushmitha.B.A., L.L.B.,(Hons)
Judicial Magistrate No.II,
Dharmapuri.

Cr.MP.No.365/2025

Monday 15th day of June -2026.

Sathiyavani Sri,
S/o.Chinnathambi

--- Petitioner/Complainant

// versus//

The Inspector of Police,
Krishnapuram P.S,
Dharmapuri.

--- Respondent

Under Section 226 BNSS (203 Crpc) Order

This Complaint has been filed under Section 223 BNS. This court issued notice to hear the accused. After perusing the complaint, the sworn statements and objection of the accused persons, this court delivered the following order U/s 226 BNSS.

Contention of complainant in brief:

The complainant claims to be in peaceful possession and enjoyment of her ancestral property, where she has constructed a house and has been regularly paying all taxes. Taking advantage of the fact that the petitioner and her husband, both senior citizens, are residing alone, the accused, whose property is adjacent to that of the petitioner, allegedly encroached upon about 1½ feet of her land while constructing a new house. When questioned, the accused abused the petitioner in filthy language, threatened her, and drove her away.

The petitioner states that despite complaints lodged before the Krishnapuram Police Station, the Superintendent of Police, and the Hon'ble Chief Minister's Special Cell, no effective action was taken. She further submits that she has also instituted a civil suit in O.S. No. 82 of 2024 regarding the property dispute.

The petitioner further alleges that the accused repeatedly abused and criminally intimidated her, attempted to attack her with weapons, damaged her house and CCTV camera, and threatened her life. She also alleges that the police, instead of taking action, acted in collusion with the accused and attempted to close her complaint.

Hence, she has filed the present complaint seeking appropriate action and punishment against the accused.

Objections by Respondents in brief:

The respondents respectfully submit that the private complaint filed by the complainant is false, vexatious, and devoid of merits. The allegations that the respondents encroached upon the complainant's property, abused, threatened, or attempted to attack him are wholly denied as false and fabricated.

The complaint itself contains several material contradictions regarding the dates, nature of the alleged incidents, and the complaints said to have been lodged before various authorities. The complainant has failed to specify the exact date, time, and place of occurrence in several of his representations, thereby casting serious doubt on the genuineness of the allegations. The documents relied upon by the complainant are inconsistent with the averments made in the complaint and do not support the allegations levelled against the respondents.

The true facts are that the respondents are in possession and enjoyment of their ancestral property. A 3-foot strip of land within the respondents' property had been left for maintenance purposes. When the respondents commenced reconstruction of their old house, the complainant and his family attempted to claim the said portion. Upon local measurement, the disputed portion was found to belong to the respondents. Unable to accept the same, the complainant started lodging false complaints against the respondents.

An enquiry conducted by the police on 13.02.2024 revealed the falsity of the complainant's allegations, and both parties were warned and sent away. The present complaint has been filed only to harass the respondents and to exert pressure in relation to the civil property dispute pending between the parties.

It is further submitted that the 7th respondent is a minor aged about 16 years and has been unnecessarily impleaded in the present proceedings without any basis.

Hence, the complaint is liable to be dismissed at the threshold as it is founded on false, inconsistent, and unsubstantiated allegations. The respondents therefore pray that this Hon'ble Court may be pleased to dismiss the complaint with costs.

ORDER

This private complaint has been filed alleging that the accused persons, on several occasions used obscene language against the complainant, criminally intimidated the complainant and her husband, and damaged the CCTV camera installed in their premises. The complainant was examined on oath as LW1 and her husband was examined as LW2. The accused have also entered appearance

and filed objections contending that the allegations made in the complaint are false and motivated.

This Court has carefully perused the complaint, the sworn statements of LW1 and LW2, and the objections filed on behalf of the accused.

The allegation regarding damage to the CCTV camera is a bare assertion. Except the oral allegation made by LW1 and LW2, no material has been produced to prima facie show that any CCTV camera was damaged during the alleged occurrence. There are no photographs, repair records, complaint regarding damage, or any other contemporaneous material placed before this Court. In the facts and circumstances of the present case, the allegation remains a bald assertion unsupported by any prima facie material.

With regard to the allegation of use of obscene words, though certain abusive expressions have been attributed to the accused, neither the complaint nor the sworn statements disclose the place of occurrence in a manner satisfying the essential ingredients of the alleged offence. There is no averment that the alleged words were uttered in a public place or under circumstances attracting the statutory requirements of the offence. Mere assertion that abusive language was used during a dispute between neighbouring parties, without disclosure of the necessary ingredients, and exact dates during which such offence was committed is insufficient to proceed. There was also contradictions in date of occurrence between LW1 and LW2.

As regards the allegation of criminal intimidation, the complaint contains only a general assertion that the accused threatened the complainant. The complaint

and sworn statements do not disclose the nature of the threat, the circumstances under which it was allegedly made, or material indicating that the threat was intended to cause alarm to the complainant. The further allegation that the accused threatened the complainant on several occasions thereafter is vague and devoid of particulars regarding date, time and place.

It is well settled that before issuing process, the Court must be satisfied that the complaint and the sworn statements disclose sufficient grounds for proceeding and the essential ingredients of the alleged offences. On an overall consideration of the materials available on record, this Court is of the view that the allegations made in the complaint are either unsupported by prima facie material or do not disclose the essential ingredients of the offences alleged.

Accordingly, this Court finds that there are no sufficient grounds for proceeding against the accused persons. Hence, the complaint is dismissed under Section 226 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Typed by me in my laptop, corrected and pronounced by me in the open court on this Monday, the 15th day of June, 2026.

Judicial Magistrate No.II
Dharmapuri.