

IN THE COURT OF THE JUDICIAL MAGISTRATE -II, ERODE.

**Present : Thiru.S.Rajkumar, B.A.,B.L.,
Judicial Magistrate -II, Erode.**

Monday, the 23rd day of March - 2026

Cr.M.P.No.431/2026

S.Ramesh (55),

S/o.Saravanan

.... Petitioner / Complainant

/Vs/

1. S.A.M.Thaha (50),

S/o.Meera Mohaideen,

Door no.2, Bhavani main road,

B.P.Agraharam, Erode-5

2. S.A.M.Jabar shadiq (55),

S/o.Meera Mohaideen,

Door no.2, Bhavani main road,

B.P.Agraharam, Erode-5

3. S.A.M.Yusufdeen (54),

S/o.Meera Mohaideen,

Door no.2, Bhavani main road,

B.P.Agraharam, Erode-5

4. S.A.A.Guthpudeen (56),

S/o.Abdul Ajees sahib,

Door No.240, Bye pass road,

Veerapampalayam pirivu,

Villarasampatti post, Erode – 12.

.... Respondents / Accused.

This petition coming on 23.03.2026 for final hearing before me in the presence of Mr.L.R.Balasubramani, B.Sc., B.L., Advocate for the petitioner and perusal of the documents, this court delivering the following:

ORDER

(U/s.156(3) of CrPC)

1. Heard the counsel for petitioner and perused the materials placed on record. The Petitioner has filed his affidavit in support of the allegations made in the Petition. On perusal of records, section 154 CrPC has been complied with by the Petitioner.
2. It is stated in the affidavit of the petitioner that, the accused and their family members are property holder and the petitioner is a tenant. The petitioner running a textile business in the name and style of Future Mart. The Accused were trying to evict the petitioner unlawfully. The petitioner already filed RLTOP.No.6/2021 against the accused before the Hon'ble Principal District Munsif, Erode and the same was pending. In these circumstances on 18.09.2023 at 7 AM the accused and 40 other unknown persons entered the petitioner's shop along with weapons and demolished the constructions through JCB and threatening the petitioner. The petitioner given a complaint before the town police and Superintendent of Police. Both were not taken any action. Hence the petitioner filed this complaint.
3. In Lalitha Kumari, Hon'ble supreme Court has held that if the criminal Petition discloses a cognizable offence, the investigation shall commence with registration of FIR, however, exception to this, in respect of following matters a) family/matrimonial disputes, b) commercial offences, c) medical negligence cases, d) cases where there is abnormal delay/latches in initiating criminal

prosecution, for example over 3 month delay, preliminary inquiry is envisaged prior to registration of FIR.

4. On going through the allegations contained in the affidavit, its clearly reveals that the accused and 40 other unknown persons damaged the constructions and also threatening the petitioner. Therefore the petition affidavit discloses a cognizable offence and criminal case is made out.
5. Hence this court is directed to the Station House Officer, to register a case and to investigate the same. After completion of investigation, the report should be filed before this court as soon as possible in accordance with law.

This order is dictated by me to typist and corrected and pronounced by me in open court on this the 23rd day of March 2026.

Judicial Magistrate -II,
Erode.