

**IN THE COURT OF THE JUDICIAL MAGISTRATE NO.I COURT
PADMANABHAPURAM**

**Present : V.Parkavi., B.A.,B.L., LL.M.,
Judicial Magistrate Court No.1, Padmanabhapuram**

Friday 31st day of July 2026

Cr1.M.P.No.513/2026

J.Jenish(age 28), S/o.Jebamani, Door No.3/156J, Aaluvilai, Now – K.K.Nagar, City Police Quatres, Gangai – 15, Trichy.		 Petitioner
	// Vs//	
1. M.Abitha, D/o.Murugesan, Door No.3/156 J, Aaluvilai. Punkarai, Thiruvithancode Post, Kaniyakumari District. Now Door No.4/95, Kenthan Kuzhivilai, Kattimancode, Kalkulam Taluk, Kanyakumari District. 2. Inspector of Police, Thuckalay Police Station, Thuckalay.		 Respondents

ORDER

(U/s.175(3) of BNSS)

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 173(3) BNSS has been complied with by the Petitioner.

2. The affidavit forwarded to the Police authority with this order .

3. The petitioner submits that on 31.12.2025 given a written information to the 2nd Respondent. But the 2nd Respondent Police have not taken any action in the Petition lodged by the Petitioner, further on 10.12.2025 the petitioner send the substances of the written information to the Superintendent of Police, Kanniyakumari District. Police officials were not taken any action in the complaint. Hence, this petitioner knocked the doors for justice.

4. Further this court issued notice to concerned Police station u/s 175(3) for submission of their report. However, the 2nd Respondent police have not filed their report before this court.

5. Records perused. Considered, 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.

6. On going through the allegations contained in the affidavit, it discloses a criminal petition which appears that it come across the alleged offences which some are cognizable offence in nature.

7. Hence the 2nd Respondent Police is directed to proceed in accordance with the Chapter XIII of BNSS 2023 and file the final report within the time prescribed by the law.

8. If the 2nd Respondent Police officer concerned neither conducts the inquiry, nor takes up this matter for investigation, as per this order, this will be cause for commencement of proceedings against the erring officer.

This order was typed by Steno Typist and corrected and pronounced by me on 31st day of July, 2026 in open Court.

Sd/-Tmt.V.Parkavi., B.A.,B.L.,L.L.B.,
Judicial Magistrate No.1,
Padmanabhapuram

Judicial Magistrate No.I Court,
Padmanabhapuram.

Court Seal

“The Parties shall apply, as soon as possible, for the return of all exhibits which they may wish to preserve, as the record will be liable to be destroyed after three years from this date.”