

IN THE COURT OF THE JUDICIAL MAGISTRATE, ERANIEL.

Present: **Thiru.S.JOTHI KAILASH**, B.A., B.L.,

Judicial Magistrate, Eraniel.(FAC)

Saturday, on this 04th day of July 2026.

Crl.M.P.No. 1399/2025

K. Latha (Age53/2025)
W/o. A.Manikanda Prasath
Mallancode, Karankadu P.O
K.K.District

...Petitioner

-Vs-

1. Subash @ Krishnamoorthy
S/o. Eswarapillai,
Mallancode, Karankadu P.O
K.K.District

..... 1st Respondent

2. Bama
W/o. Vanugobal
Mallancode, Karankadu P.O
K.K.District

..... 2nd Respondent

3. Inspector of Police
Eraniel Police Station

.....3rd Respondent

This petition came up for final hearing before me on 26.08.2025 in the presence of Mr.P.Satheesh Kumar Advocate for the petitioner. Having perused the records, heard the petitioner and having stood over the same for consideration, this Court on this day delivers the following,

ORDER

1. The petitioner herein has filed the present petition u/s.175(3) of the Bharathiya Nagarik Suraksha Sanhita, 2023 seeking direction of this Court to the respondent Police for registration of First Information Report based on his complaint dated 18.03.2024

2. Case of the petitioner:

It is stated that the petitioner's husband, Manikanda Prasad, owns 10 cents of land in Kurunthankodu village through two registered documents. While constructing a compound wall on the western side of the said property, the 1st respondent, due to prior enmity arising from a complaint lodged at Eraniyal Police Station on 30.01.2024 regarding an assault on the petitioner, unlawfully trespassed into the property, abused the petitioner with filthy language without regard to her being a woman, and attempted to assault her. When the petitioner raised an alarm, respondents 1 and 2 together demolished the compound wall built on the petitioner's property. Further, the 1st respondent, using a sickle, cut and damaged the water pipeline belonging to the petitioner, causing a loss of Rs.30,000/-. It is further alleged that when the 1st respondent attempted to catch hold of the petitioner, the *thali* chain around her neck broke and fell into his hands. The 1st respondent threw the chain away and left the place. Additionally, they threatened that if the petitioner constructed a compound wall again, they would cut her and bury her, amounting to criminal intimidation. The petitioner states that she lodged a complaint regarding this incident at Eraniyal Police Station on 18.03.2025, but no action was taken. Subsequently, on 08.08.2025, she submitted another complaint to the District Superintendent of Police, but again no action was taken. Therefore, the petitioner has filed this petition seeking a direction to the 3rd respondent to take legal action against respondents 1 and 2.

For the better adjudication of the matter, this Court called for a report from the Inspector of Police, Eraniel Police Station. In compliance, on 25.09.2025, the police

filed a report stating that an enquiry was undertaken based on the petitioner's complaint. The report records that a complaint was lodged against the respondents, pursuant to which a Community Service Register (CSR) entry was made in No. 407/2024, and a receipt was issued to the petitioner under CSR No. 408/2024. The police further noted that a quarrel had occurred between the parties, resulting in certain damages to the petitioner's property. Following the incident, both parties appeared before the police for enquiry, where they arrived at a compromise, agreeing not to disturb each other in the use of the pathway. However, the respondents thereafter filed CrI.M.P. No. 1868/2024 before this Court seeking a direction for registration of an FIR against the petitioner. By order dated 03.01.2025, the said petition was allowed, and consequently Crime No. 439/2025 was registered against the petitioner. It is in this backdrop that the petitioner has now instituted the present petition, which appears to have been filed only after learning that an FIR had been registered against him pursuant to the order in the above CrI.M.P.

3. While dealing with this application, it is necessary to refer the Judgment of Hon'ble Supreme Court made in **Srinivas Gundluri Vs. Sepco Electric Power Construction Corporation reported in (2010) 8 SCC 206**, wherein it was held that

“While disposing of an application moved u/s 156 (3) of the CrPC, magistrate is required to apply his mind to the bare contents of the application u/s 156(3) CrPC regarding disclosure of cognizable offence and not to proceed to decide

whether or not there are sufficient grounds for proceeding further to satisfy himself regarding commission of cognizable offence.”

Likewise even though in this present compliant, there is no specific evidence present to attract offence stated, in view of the above Judgment the bare perusal of the complaint discloses commission of cognizable offense.

4. It is also relevant to refer the Judgment of Hon’ble Division bench of Allahabad High Court in **Govind & others Vs. State of Uttar Pradesh reported in 2009 (66) ACC 870 (A11)**, wherein it was held that,

“While disposing of an application u/s. 156(3) CrPC, the allegations contained therein should not be disbelieved as truthless or false. Allegations contained in the application moved u/s. 156(3) CrPC cannot be treated as false prior to the investigation of the same by the police.”

As per the above Judgment, it was held that while disposing application u/s.156(3) Cr.P.C., the court need not disbelieve allegations of the compliant, rather that it is the domain of the investigation officer. In view of the above judgment and the on perusal of the report. The court is satisfied that on bare perusal of the compliant, cognizable offence is made out and it is the investigation, which would bring out the actual true facts. In this circumstances this court is inclined to allow the present petition on the following terms,

a. The Inspector of Police, Eraniel Police station is directed to register First Information Report based on the complaint of the petitioner dated 18.03.2024 against said respondents and investigate the same.

b. On investigation if some other persons are appeared to have committed any cognizable offence, they shall also be included as accused.

c. After registering FIR, on investigation if it appears that no cognizable or any other offence is made out, the police shall proceed in accordance with law.

d. A copy of this order together with the original complaint, original affidavit and documents shall forthwith be forwarded by this Court to the respondent police for action by the head clerk.

Dictated by me to the steno typist, typed by her, corrected and pronounced by me in Open Court on this 04th day of July 2026.

Judicial Magistrate,
Eraniel (FAC)