

IN THE COURT OF JUDICIAL MAGISTRATE, MELUR

Present : Selvi.D.Thendraal Muthu, LLM.,

Judicial Magistrate, Melur

Dated this the 23rd day of June 2026, Tuesday

CrI.M.P.No.315/2026

Pillan,
S/o.Ayyavu,
Keelaiyur,
Melur Taluk,
Madurai District.

--- Petitioner

//Vs//

1) Jothi Basu,

2) Pandi,
S/o.Durairaj,

3) Natchan,
S/o.Thoththan

4) Two people whose faces are familiar
but whose names are unknown.

---Respondents

The Sub Inspector of Police,
Keelavalavu Police Station

---Investigation Officer

This petition, coming before this court for final hearing on 02.06.2026 in the presence of Thiru.C.Thirupathi, learned counsel for the petitioner and upon hearing petitioner side arguments and perusal of the records, this court delivered the following

ORDER

1) This petition has been filed by the petitioner under Sec.175(3) BNSS directing the respondent police to file FIR against respondents.

2. Gist of the petitioner's side

2.1) The petitioner states that through his grandfather, Pambaiyan, on 13.04.1997, he entered into an oral agreement for the purchase of a property belonging to Thanneer Malaichettiar, his wife Meenakshi Aatchi, and their sons Arunachalam, Subramanian, and Swaminathan (father of Meenakshi Aatchi), all residents of Keezhaiyur, Melur. The said persons agreed to sell the property belonging to persons 1 to 4 and assured that a registered sale deed would be executed later. Based on this assurance, a sum of Rs. 1,10,000/- was paid to the said five persons in the presence of witnesses Palanichamy Vathiyar and Nellukkadai Mani, both residents of Keezhaiyur, till date, the petitioner has been in possession, enjoyment, and use of the 1 acre and 16 cents of wet agricultural land comprised in Survey Nos. 162/3, 162/4, 162/2, 162/5, 162/7A, 162/7B, 162/7C, 162/9A, and 162/9E, which had been orally agreed to be sold to him. Whenever the petitioner repeatedly requested the said five persons to execute the sale deed in his favor, they informed him that due to family disputes they were unable to execute a registered sale deed. They orally assured the petitioner that once the family dispute was resolved, they would execute the sale deed in his favour.

2.2) Although the petitioner has been in possession of the land from 13.04.1997, neither the said persons nor anyone acting on their behalf ever made objection to it or, interfered with or denied his possession or enjoyment of the property, either before they left Keezhaiyur or thereafter up to the present day. The respondents had acted in accordance with the oral agreement. However, on 25.08.2025, Jothibasu from Melur and Pandi from Keezhaiyur approached the petitioner and warned him not to continue any agricultural activities on the land. They threatened that if he continued cultivation, he would face serious consequences. When the petitioner questioned their authority to make such statements, they informed him that the property belonged to PRP Company and that the company had purchased it in the years 2006 and 2007.

2.3) The petitioner informed the respondents that he had paid the agreed consideration amount on the above-mentioned date and, by virtue of his continuous possession and enjoyment of the property, had acquired possessory rights over the land. He further stated that if the property truly belonged to PRP Company, they should approach the appropriate court and obtain legal relief. He also asserted that they had no right to prevent him from cultivating the land without a court order. Thereafter, on 10.09.2025, the petitioner undertook banana cultivation and planted banana saplings across the entire extent of 1 acre and 16 cents. Upon learning of this, the said two persons, along with Nachan, son of Thothan of Melapatti, and two other unidentified persons, entered the petitioner's land unlawfully at about 7:00 a.m. on 11.09.2025. They began uprooting and throwing away all the banana saplings planted by the petitioner.

2.4) When the petitioner and his wife questioned their actions, the three identified persons abused them in filthy and offensive language. They further stated that they should have made the petitioner disappear without even giving any warning and that failing to do so earlier had been their mistake. They proceeded to uproot and throw away all the banana saplings. The petitioner's wife was also subjected to abusive language. Furthermore, the accused threatened the petitioner with death, warning him to vacate the land immediately and stating that otherwise none of them would remain alive. As a result of the acts committed by the said persons, the petitioner suffered a loss of approximately Rs. 25,000/-. Hence the petitioner has filed this petition under Sec.175(3) BNSS directing the respondent police to file FIR against respondents.

3. Gist of the Police reply

3.1) The police has stated that on 15.04.2026, The complainant, Pillan, has submitted a complaint alleging that Pandi, Nachan, Jothibas, and two other persons unlawfully trespassed into his land, uprooted banana saplings, abused him in obscene language, and issued death threats. In connection with this complaint, a case was

registered at Keelavalavu Police Station under Petition Receipt No. 460/2025. It is stated that both the complainant and the respondents appeared in person before the police station for inquiry. The police report further states that the parties did not provide sufficient cooperation during the inquiry. Since the dispute pertained to land, the complainant failed to produce any documents relating to ownership or possession of the land. Furthermore, as the matter was essentially a land-related dispute, the Investigating Officer advised the complainant to seek appropriate relief before the competent civil court and thereafter closed the inquiry. Accordingly, the police have reported that the matter was treated as a civil dispute concerning land and that the complainant was directed to pursue remedies through the court.

4) On perusal of records, the petitioner given the complaint to the Keelavalavu Police Station on 11.09.2025, Superintendent of police, Madurai on 22.09.2025 and DCP, Chennai on 17.11.2025, there is no action taken by the police.

5) The Honourable Supreme Court of India in **Sakiri Vasu Versus State of U.P. & Others reported 2008 AIR(SC) 907**, held as follows:

“11. In this connection we would like to state that if a person has a grievance that the police station is not registering his FIR under Section 154 Cr.P.C., then he can approach the Superintendent of Police under Section 154(3) Cr.P.C. by an application in writing. Even if that does not yield any satisfactory result in the sense that either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under Section 156 (3) Cr.P.C. before the learned Magistrate concerned. If such an application under Section 156 (3) is filed before the Magistrate, the Magistrate can direct the FIR to be registered and also can direct a proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made. The Magistrate can also under the same provision monitor the investigation

to ensure a proper investigation.”

6) The Honourable Supreme Court of India in **Mohd. Yousuf vs. Smt. Afaq Jahan & Anr. JT 2006(1) SC 10** held as follows:

"After all, registration of an FIR involves only the process of entering the substance of the information relating to the commission of the cognizable offence in a book kept by the officer in charge of the police station as indicated in Section 154 of the Code.”

7) On careful peruse, cognizable committed. In **Priyanka Srivastava and another /Vs/ State of Uttar Pradesh 2015(3) CTC 103**.

"Sections 154(1) and 154(3) while filing a petition under Section 156(3). Both the aspects should be clearly spelt out in the application and necessary documents to that effect shall be filed. The warrant for giving a direction that an application under Section 156(3) be supported by an affidavit is so that the person making the application should be conscious and also endeavor to see that no false affidavit is made. "

8) The Honourable Supreme Court of India in **Sugesan Transport PVt Ltd /vs/ The Assistant Commissioner of Police**

“ As a Sequel to the aforesaid discussion, the following directions are issued

(i) A petition u/s 482 Cr.P.C. for a direction to register an FIR on the complaint of the Petitioner circumventing the Time table prescribed by the Supreme Court in Lalita Kumari IV & V is not maintainable

(ii) This court directs all the Stations House Officers in the State of Tamil Nadu and Union Territory of Puducherry to receive any complaint relating to the commission of cognizable offence by a common man and if the Station House Officer wants to conduct Preliminary Enquiry, he shall immediately issue a CSR receipt (in case of Union Territory of Puducherry) to the complainant and after making the necessary entries in the Station General Diary, as directed by the Supreme Court in

Lalita Kumari-IV & V conduct preliminary Enquiry, In Lalita Kumari-IV the Supreme Court has directed that after conducting Preliminary Enquiry if the Police come to the conclusion that no FIR need be registered, a duty is cast upon the police to furnish a copy of the Closure Report to the Complainant. After getting the closure report, it is open to the complainant to file petition u/s 156(3) CrPC or Private complaint u/s 190 read with section 200 Crpc disclosing the facts and persuading the Magistrate to take cognizance of the offence. Such a petition/Private complaint should disclose the closure report of the police. After taking cognizance of the offence, the Magistrate can also order police investigation u/s 202 Crpc to a limited extent. The closure report cannot be subjected to judicial review u/s 482 CrpC

(iii) If the station House Officer refuses to receive the complaint, the complainant shall send the complaint together with a covering letter to the Superintendent of Police/Deputy Commissioner of Police by Registered Post with Acknowledgment Due u/s 154(3) Cr.P.C

(iv) If there is inaction on the part of the Station House Officer and the Superintendent of Police, the complainant is at liberty to move the jurisdictional Magistrate u/s 156(3) Cr.P.C.

(v) The complainant shall be given to the Magistrate either in Tamil or in English in the form of a Representation in first person addressed directly to the Magistrate.

(vi) The complaint shall be accompanied by an Affidavit as mandated by the Supreme court in Priyanka Srivastava

(vii) On receipt of the complaint, the Magistrate shall pass orders thereon within 15 days, either issuing directions or dismissing the petition

(viii) If the Magistrate decides to order police investigation, he should pass a judicial order to that effect in the record sheet

(ix) A copy of the order, together with original complaint and copy of the affidavit, shall be forwarded by the Magistrate to the jurisdictional police officer for investigation

(X) If the police officer does not register FIR within a period of one week from the date of receipt of the Magistrate's order, the Magistrate shall initiate prosecution against him u/s 21 r/w 44 of the District Police Act before the Chief Metropolitan Magistrate or the Chief Judicial Magistrate as the case may be

(xi) If no FIR is registered by the Police within one week from the date of receipt of a copy of the Order of the Magistrate u/s 156(3) of Cr.P.C. the complainant can approach this court u/s 482 Cr.P.C

(xii) If the police fail to complete the Preliminary enquiry within six weeks as mandated by the Supreme Court in Lalita Kumari-V, the complainant can approach this court under article 144 r/w 482 Cr.P.C

(xiii) The aforesaid petition under Article 144 r/w section 482 Cr.P.C. must be accompanied by an affidavit sworn to by the complainant with satisfactory materials to show that the police have not completed the preliminary enquiry within six weeks, as mandated by the Supreme court in Lalita Kumari-V In such a petition, this court will not read the complaint, but, issue directions to the Police to register an FIR on the complaint for the very failure of the police to follow the mandates of Lalita Kumari-IV & V. The registry of this court shall not number the petition filed u/s 482 Cr.P.C. seeking a direction to register an FIR unless it is accompanied by an affidavit containing the above details.

(xiv) In suitable cases, this court shall also direct disciplinary action to be taken against the police officer for the violation of the mandates of Lalita Kumari-IV & V.

(XV) If the police officer fails to register the FIR pursuant to the directions of this court, he will be liable for contempt of court, besides facing Disciplinary Action.

(xvi) The aggrieved party can also approach the Local legal services authority and the authority shall take immediate steps to ensure that an FIR is registered or CSR receipt issued to the complainant

(xvii) Every police station shall have a board giving the name and telephone number of the Local legal services authority.

9) On perusal of petition averments and documents produced, this court finds that on mere perusal the said complaint seems to be civil in nature. However the averments made clear that there is no civil suit filed by the PRP export on purchase of the said property for eviction of the complainant. But in contrary as per the narration of the complainant the accused the men of the PRP exports has used unlawful means to evict to the complainant. It is right of the PRP exports to approach the civil court for eviction of the complainant as per the procedure established by law. The act of the accused to evict the complainant and uproot the agricultural plants amounts to violation of due process of law. Thus this court finds that there is a commission of cognizable offence, but the act of the Keelavalavu P.S. for not filing FIR and conducting the investigation. This shows the neglected act on the part of the investigation agencies. It is pertinent to note that there is a commission of cognizable offence, therein it is mandatory for the respondent police to register an FIR and investigate the case.

10) The pre requisites as per the above Judgment of Hon'ble Supreme Court of India is satisfied so this court further is of the view that in the interest of justice, it is just and necessary to direct the Inspector of Police, Keelavalavu to register an FIR and investigate the matter and file final report within the stipulated time as required under the law.

Dictated to steno-typist directly and typed by her in computer and corrected, pronounced by me in open court this the 23rd day of June 2026.

Judicial Magistrate
Melur.