

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.244/2026

Vanitha,
W/o.Vinayagam,
3/153, Pillaiyar Kovil Street,
Keelaiyur,
Melur Taluk,
Madurai District.

--- Petitioner

//Vs//

1) The Superintendent of Police,
Madurai.

2) The Inspector of Police,
AWPS, Melur,

---Respondents

1) Vinayagam,
3/153, Pillaiyar Kovil Street,
Keelaiyur,
Melur Taluk,
Madurai District.

2) Nivedha
D/o.Lakshmanan,
Pattur, Melur Taluk,
Madurai District.

3) Lakshmanan,
Pattur, Melur Taluk,
Madurai District.

4) Shanthi,
W/o.Lakshmanan,
Pattur, Melur Taluk,
Madurai District.

5) Sarala,
W/o.Thiruvalluvan,
Ambedkar Street,
Keelaiyur, Melur Taluk,
Madurai District.

---Accused persons

This petition, coming before this court for final hearing on 23.06.2026 in the presence of Thiru.Ilaiyaraja, 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 accused persons.

2. Gist of the petitioner's side

2.1) The petitioner and one Mr.Vinayagam were married on 17.02.2010 at the Sivan Temple located in Tiruppathur town, Sivaganga District. Their marriage was also registered at the Tiruppathur Registrar's Office. At the time of marriage, as requested by her husband and his family members, the petitioner's parents provided 15 sovereigns of gold jewelry to the petitioner, 5 sovereigns of gold jewelry to the petitioner's husband, and seervarisai (customary marriage gifts) worth Rs. 2 lakhs as dowry. Out of the said wedlock, a son named Bharathikumar was born on 31.01.2011. The petitioner had been working as a Public Welfare Worker and Panchayat Project Coordinator in Vairavanpatti village. Her husband, Vinayagam, had been employed as a Machine Operator at L & D Company in Tiruchirappalli. From the beginning of the marriage and even after the birth of their child, the petitioner's husband continuously demanded additional dowry, physically assaulted and harassed her, abused her using obscene and insulting language, failed to maintain either the petitioner or their child, did not provide money even for their daily expenses, and failed to contribute towards their son's education. He lived in an irresponsible and negligent manner without fulfilling his family obligations.

2.2) As a result, the petitioner managed and supported herself and her son from her modest salary and also bore the expenses of her son's education. Meanwhile, the petitioner's husband filed a matrimonial case against her before the Hon'ble Subordinate Court, Melur, in HMOP No. 55/2023. The said matter was settled before the Lok Adalat (People's Court) on 12.12.2024. Subsequently, due to old age, the petitioner's mother suffered a fall, sustained injuries, and became unable to walk. Acting on the advice of her mother-in-law, the petitioner stayed at her mother's residence in Vairavanpatti to assist and care for her mother while continuing her work. While the petitioner, being the legally wedded wife, was still alive and while no divorce had taken place between the petitioner and her husband, on 14.09.2025 at Keelaiyur Sivan temple, her husband Vinayagam has unlawfully married another woman namely Nivedha, Nivedha and her family members fully aware that the petitioner was the legally wedded wife of Vinayagam. Thereafter, on 18.09.2025, when the petitioner went to Vinayagam's house at Keezhaiyur, she found Nivedha and her family members there. When the petitioner asked Nivedha who she was, Nivedha replied that she and Vinayagam were married and that she was his wife, and further questioned the petitioner as to who she was to ask such a question.

2.3) At that time, one Sarala obstructed the petitioner and, using highly abusive and obscene language, accused her of trying to ruin her younger sister's life. Sarala questioned why the petitioner had come there and told her to leave the place immediately. She further threatened that if the petitioner did not leave, she and her sister would assault, kill, and bury her at that very place. Thus, the petitioner was criminally intimidated with threats to her life. Consequently, on 22.09.2025, the petitioner submitted a complaint before the Melur All Women Police Station. Hence the peititoner 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 07.05.2026, Upon summoning and enquiring both the petitioner and the respondent, it was stated that the marriage between the petitioner and the respondent was solemnized on 17.02.2010. The petitioner alleged that within two months of the marriage, the respondent demanded Rs.1,00,000 for the purchase of a mini goods vehicle ("Kuttiyaanai" vehicle). When she failed to arrange the money, the respondent allegedly assaulted and drove her away from the matrimonial home. Thereafter, the respondent pledged the gold chain and ring that had been given to him at the time of marriage and purchased the vehicle. The petitioner further stated that the respondent did not visit her even during her pregnancy or after the birth of their child. Since she underwent a cesarean delivery, she was compelled to stay at her parental home in Vairavanpatti for some time. Subsequently, she resumed living with the respondent. However, when the respondent went abroad, she again returned to her parental home. The petitioner also stated that when their son was about one and a half years old, he contracted dengue fever and was admitted to the hospital. An amount of Rs.1,15,000 was spent on his treatment by her parental family. According to her, the respondent did not contribute any money towards the expenses, except that his mother gave Rs.3,000. The petitioner further stated that, in order to support her son's education, she had taken up employment. Knowing this, the respondent filed a petition before the Melur All Women Police Station (AWPS) alleging that she was not living with him. Upon enquiry, she appeared before the authorities, agreed to live with him, and thereafter returned with him. She further stated that because her father suffered from kidney-related health problems and required frequent hospital visits, she had to stay at her parental home. She also stated that the respondent had filed a divorce petition before the Melur Court. However, when she appeared in that case and expressed her willingness to live with him, the divorce proceedings were withdrawn, after which she resumed

cohabitation with the respondent. According to the petitioner, in May 2025, due to certain differences of opinion and because of her mother's ill health, she again started residing at her parental home. She further alleged that on 14.09.2025, the respondent contracted another marriage and that she and her son required appropriate relief and support for their livelihood. The respondent, however, denied having contracted any second marriage. He stated that despite expressing before the Court in H.M.O.P. No. 55/2023 that she was willing to live with him, the petitioner never actually returned to live with him. He further alleged that the petitioner was having an illicit relationship with a person named Ilaiyaraja of Vairavanpatti and that, despite several attempts by elders to mediate and reconcile the parties, the petitioner refused to live with him because of her attachment to Ilaiyaraja. The respondent also stated that he was willing to construct a separate house for his son and bear the expenses of his education. However, he claimed that he feared for his life and believed that if he continued to live with the petitioner, she might kill him. Therefore, he expressed that he had no intention of resuming cohabitation with her. The report submitted by the Inspector of Police, Melur All Women Police Station, further states that the petitioner did not produce any evidence before the police station to substantiate her allegation that the respondent had contracted a second marriage.

4) On perusal of records, the petitioner given the complaint to the Melur, AWPS on 22.09.2025, Superintendent of police, Madurai on 10.10.2025 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 the accused has committed bigamy by marrying Nivedha while the spouse is alive. In addition to that all the accused have threatened her and used filthy language against the complainant on questioning of the bigamy. Thus there is a commission of cognizable offence, but the act of the Melur, AWPS 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, Melur, AWPS to conduct enquiry and register an FIR, thereafter 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.