

IN THE COURT OF JUDICIAL MAGISTRATE, MELUR

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

Judicial Magistrate, Melur

Dated this the 17th day of June 2026, Wednesday

CrI.M.P.No.2785/2025

Selvi,
W/o.Dhanabalan,
Door No.1/264D,
Solaimalai Gaurden,
Neethi Nagar, Othakadai,
Madurai.

--- Petitioner

//Vs//

1) The Superintendent of Police,
Madurai District.

2) The Inspector of Police,
Othakadai Police Station

3) Devaraj,
S/o.Balasubramanian,
No.259, Jeeva Nagar 1st Street,
Jaihindpuram, Madurai.

---Respondents

This petition, coming before this court for final hearing on 17.06.2026 in the presence of Thiru.K.Balamurugan, 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) About three years ago, one Devaraj, son of Balasubramanian, had arranged a bank loan for the petitioner. Based on that trust, the said Devaraj visited the petitioner's residence on 20.05.2023 and approached the petitioner, assuring her that he could arrange a housing loan of up to Rs.60 lakhs at an interest rate of 9% by mortgaging her house. Believing his representations to be true, the petitioner and her husband consented to the proposal. Thereafter, the said person informed the petitioner that the commission amount for the loan had to be paid in advance and that additional expenses would be incurred for processing the loan formalities. Accordingly, the petitioner paid a total sum of Rs.3,80,000/- to him, partly in cash and partly through GPay. Further, the petitioner handed over to him eight cheques, and the original Aadhaar Card and PAN Card documents. Subsequently, contrary to his earlier assurances, the said person informed the petitioner at her residence on 09.11.2023 that he could not arrange the loan at the promised interest rate of 9%, and that he could only arrange the loan at an interest rate of 12%. Since the interest rate was significantly higher, the petitioner requested the return of the commission amount and all original documents handed over to him. He assured the petitioner that he would return them within a few days and left. However, thereafter, the petitioner was unable to contact him either in person or by telephone. On 05.12.2023, when the petitioner managed to contact him over the phone, he stated that he would neither return the original documents nor the money paid by the petitioner. He further abused the petitioner in obscene language and challenged her to do whatever she could. He also criminally intimidated her by threatening that if she continued to demand the return of her documents and money, he would kill both her and her family. Hence the petitioner has filed this petition under Sec.175(3) BNSS directing the respondent police to file FIR against respondents.

3) On perusal of records, the petitioner given the complaint to the Othakadai Police Station on 13.12.2023 and Superintendent of police Madurai on 06.10.2025, there is no action taken by the police.

4) 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.”

5) 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.”

6) 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. "

7) 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.

8) On perusal of petition averments and documents produced, this court finds that there is a commission of cognizable offence, but the act of the Othakadai 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.

9) 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, Othakadai 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 17th day of June 2026.

Judicial Magistrate
Melur.