

**IN THE COURT OF THE JUDICIAL MAGISTRATE -II AT
USILAMPATTI**

**Present: Thiru. G. Sathia Narayanan B.A., B.L.,
Judicial Magistrate - II, Usilampatti
10th day of August, 2026**

**CNR No:TNMD18-000539-2026
CrMP.No.153 of 2026**

P.Muthumurugan

..... Petitioner/Complainant

- Vs -

The Sub-Inspector of Police,
Elumalai Police Station,

..... Respondent

This petition has been filed under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the respondent police to register a First Information Report on the basis of the complaint submitted by the petitioner.

This case was taken on file by this court on 06/05/2026 and it is coming up for final hearing on 03/08/2026 before me in the presence of Tr.K.Srivarshan.,B.Com.,LLB., Advocate for petitioner/complainant and Assistant Public Prosecutor Grade-II for respondent and upon perusal of records and on hearing both the sides and having stood over till this day for consideration, this court delivered the following:-

ORDER

1) The case of the petitioner is that about one year prior to the present occurrence, his father had lodged a complaint against one Balakrishnan alleging

theft of water pipes from his agricultural land. According to the petitioner, ever since the said complaint, Balakrishnan and his family members have been bearing a grudge against him and have been continuously harassing and threatening him.

2) It is the further case of the petitioner that on **23.03.2026 at about 11.00 a.m.**, while he was proceeding towards Eesan Temple, Balakrishnan, his wife Pushpavathi, his daughters Ganeshwari and Raasi, and his son Mahalingam wrongfully restrained him, abused him in filthy language and criminally intimidated him with dire consequences.

3) The petitioner has further alleged that on **24.03.2026 at about 3.50 p.m.**, while he was proceeding towards Bharathiyar School, Elumalai, Mahalingam came on a two-wheeler under the influence of alcohol, abused him in filthy language, pulled his shirt, assaulted him and snatched the **3-sovereign gold chain** worn by him, causing bleeding injuries on his neck. It is further alleged that after taking the chain, the accused threw the same near the roadside. According to the petitioner, thereafter Mahalingam met with a road accident while riding his motorcycle under the influence of alcohol on the Elumalai–Usilampatti Road and, in order to escape from the consequences of his own act, falsely projected before the authorities that he had been assaulted by the petitioner.

4) The petitioner would further submit that he lodged a written complaint before the Inspector of Police, Elumalai Police Station, on **24.03.2026**. Since no action was taken on the said complaint, he submitted a representation dated

30.03.2026 to the Superintendent of Police, Madurai District. As no action was forthcoming even thereafter, the petitioner has approached this Court by filing the present petition under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5) Upon presentation of the petition, this Court heard the petitioner and, before passing any order, directed the respondent police to submit an **Action Taken Report** regarding the petitioner's complaint. Sufficient opportunity was granted to the respondent police for filing the said report. However, despite the specific direction of this Court and despite the lapse of sufficient time, the respondent police have failed to file the Action Taken Report. There is nothing on record to indicate that any action has been taken on the petitioner's complaint or to explain the reasons for the non-submission of the report. The conduct of the respondent police in not complying with the judicial direction issued by this Court cannot be appreciated.

6) This Court has carefully considered the averments made in the petition, the affidavit filed in support thereof and the documents produced by the petitioner. The materials placed before this Court show that the petitioner had approached the jurisdictional police immediately after the occurrence and, on their failure to act, had also approached the superior police officer by submitting a representation to the Superintendent of Police. Thus, the petitioner has exhausted the statutory remedies available to him before invoking the jurisdiction of this Court.

7) The complaint contains specific allegations regarding two separate incidents, the identity of the persons involved, the dates, time and place of occurrence, and the overt acts attributed to each of the proposed accused. The petitioner has also alleged that he sustained injuries during the occurrence and that despite lodging a complaint, no action has been taken by the respondent police. The truthfulness or otherwise of these allegations, the involvement of the accused persons and the nature of the offences are all matters which can be effectively ascertained only by a proper investigation conducted by the police in accordance with law. At this stage, this Court is not expected to undertake a detailed enquiry into the merits of the allegations or to evaluate the evidence.

8) In the absence of any Action Taken Report from the respondent police, despite the specific direction of this Court, and having regard to the allegations made in the complaint and the materials placed before this Court, this Court is of the considered view that the present case warrants exercise of the jurisdiction under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

In the result, this Criminal Original Petition is allowed. The Inspector of Police, Elumalai Police Station, Madurai District, is directed to register a First Information Report on the basis of the complaint dated 24.03.2026 submitted by the petitioner, conduct investigation in accordance with law and, upon completion of the investigation, file the appropriate final report before the jurisdictional Court as expeditiously as possible. The respondent police shall file a compliance report before this Court on or before 28.08.2026.

//Dictated to Steno-typist and typed by him in computer and corrected by me and pronounced in open Court on this the 10th day of August' 2026//

**Judicial Magistrate – II,
Usilampatti**