



IN THE COURT OF THE JUDICIAL MAGISTRATE, THENI.

Present: Tmt. V. Bharatha Devi, M.L.,
Judicial Magistrate, Theni.

Monday, the 13th day of July, 2026.

Crl.M.P. No.483/2025

CNR No.TNTH020006002025

Lakshmana Das (56/2025),
S/o. Rengasamy,
Railway Main Road,
Valaiyathupatti,
Bodi Taluk, Theni.

... Petitioner/Complainant

/Versus/

Arun Kumar,
S/o. Ramadas,
Railway Main Road,
Valaiyathupatti,
Bodi Taluk, Theni.

... Deleted Accused

State
Rep by Sub-Inspector of Police,
PC Patty Police Station

... Respondent

This petition is came up for hearing today, in the presence of learned counsel Thiru.S.Kumaran,B.A.,B.L., appeared on behalf of the Petitioner/Complainant and the Learned Assistant Public Prosecutor, representing the state, upon perusing the petition and the relevant materials on record and upon hearing both sides arguments, this court passes the following...

Order

1) Heard both sides. Records perused. The petitioner filed the present objection petition in Crime. No.411/2023 on the file of PC Patty Police Station for the alleged offence U/s.296(b), 115(2), 351(2) BNS seeking to allow the petition and implead the 3rd respondent/accused, who is the real offender, as an accused in the case.

2) Averments of the Petition

(i) It is stated that the petitioner lodged a complaint before the P.C. Patti Police Station on 08.10.2024, based on which an FIR was registered on 11.10.2024 in



respect of offences punishable under Sections 296(b), 115(2), and 351(2) of the Bharatiya Nyaya Sanhita (BNS) against Nagapandi, S/o. Perumal Gounder, Ramdass, S/o. Rengasamy, and Arunkumar, S/o. Ramdass, and the case was pending before the learned Court. However, in the final report filed by the Investigating Officer on 07.11.2024, the 3rd respondent/accused, namely Arunkumar, who is the actual offender involved in the occurrence, was deleted from the array of accused, and the final report was filed accordingly before the learned Court. It is further stated that, pursuant thereto, by proceedings dated 28.03.2025 in Cr.L.M.P. No.483 of 2025, the petitioner/complainant was issued a notice calling upon him to state whether he had any objection to the deletion of Arunkumar as an accused. In response, the petitioner filed his objections opposing the deletion of the 3rd respondent/accused, Arunkumar. The petitioner further submits that, on 08.10.2024, a dispute arose between his brothers, Ragupathi and Ramdass, regarding a land transaction, and there had already been previous enmity between the parties. In order to resolve the dispute, the community elders convened a peace meeting at about 9.00 p.m. at the Okkaligar Chavadi, Vazhayaathupatti. While the petitioner was explaining his case before the elders, his brother Ramdass, Ramdass's son Arunkumar, and his paternal uncle's son Nagapandi abused him in filthy language. It is further alleged that Arunkumar caught hold of the petitioner's shirt, dragged him to the ground, and repeatedly kicked him. It is also alleged that Arunkumar, along with the other accused, criminally intimidated the petitioner by threatening that if he again raised any issue relating to the land dispute or demanded money, they would kill him.

(ii) It is further stated that, as a result of the assault by all the three accused, the petitioner sustained swelling injuries on the left side of his nose, injuries on his back, and other bodily injuries. Thereafter, the petitioner's nephew, Naveen, admitted him to the Government Medical College Hospital, K. Vilakku, for treatment at about 10.20 p.m. on 08.10.2024. The petitioner further submits that, in his police statement recorded on 11.10.2024, he had categorically stated that he was assaulted by his



brother Ramdass, Arunkumar, and Nagapandi, that he sustained injuries due to the assault, and that they had also threatened to kill him.

(iii) It is further contended that the Investigating Officer, with the sole intention of shielding the 3rd respondent/accused, failed to record the statements of eyewitnesses, including Palaniraj and Rajamani, whose names were shown as occurrence witnesses in the final report. Instead, the Investigating Officer falsely recorded statements to suit the case by stating that the 3rd respondent/accused had merely intervened to pacify the quarrel and had not caused any harm to the petitioner. The petitioner further submits that, although several community elders and members of the public were present at the Okkaligar Chavadi at the time of occurrence, the Investigating Officer deliberately failed to conduct a proper enquiry with those persons and, in a hurried and predetermined manner, deleted the 3rd respondent/accused from the case. Therefore, the report exonerating the 3rd respondent/accused is false, contrary to the true facts of the case, and liable to be rejected.

(iv) It is further submitted that the petitioner has sufficient eyewitnesses who were present at the place of occurrence and is ready and willing to produce them before this Hon'ble Court if permitted. According to the petitioner, the 3rd respondent/accused was very much present at the scene of occurrence on 08.10.2024, abused the petitioner in filthy language, assaulted him, caused injuries, and criminally intimidated him with threats to his life. Hence, the petitioner humbly prays that this Hon'ble Court may be pleased to allow this petition, take cognizance of the offences, and array the 3rd respondent/accused, who is the real offender, as an accused in the case, and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

3) The point for consideration is, **Whether this petition is liable to be allowed or not?**

4) Records perused. Aruguments Heard.

(i) It is argued by the petitioner counsel that the 3rd accused has also involved in



offence and was purposely deleted in the final Report. The witnesses who were examined by the investigation officer has clearly stated about the involvement of A3 in the offence and he prayed to include A3 in the Final Report and he prayed to allow the application.

(ii) On perusal of case records, the FIR in Cr. No.405/2024 has been registered by PC Patty Police on the complaint of the petitioner Lakshmana Das u/s.296(b), 115(2), 351(2) BNS. It is stated in the complaint that there was land dispute between the complainant and his brothers namely Ragupathy and Ramdass. It is agreed to settle the above issue before elders of Village on 08.10.2024. When the negotiation talk was taken place, his brother Ramdas and his son Arun Kumar and his paternal uncle Nagapandi abused the complainant in filthy language and was assaulted by above persons and they criminally intimidated the complainant, that the complainant would face dire consequences. After receipt of the complaint from the complainant on 09.10.2024 at Government Hospital, Theni, the CSR No.866/2024 has been issued. Further counter complaint has also given by the brother of complainant Ramadass regarding land dispute. After the enquiry on the CSR, the FIR has been registered on 11.10.2024 in Cr. No.405/2024 against A1 to A3.

(iii) It is seen from the Accident Register of the complainant that he has given statement before the Doctor who gave treatment that he was assaulted by 3 known person with iron rod on 08.10.2024 at 09.30pm. Further, the witnesses Seenivasagam, Rajamani are cited as Eye witness to the incident. The 180(3) Cr.P.C statement of Rajamani and the Seenivasagam reveals that the accused Arun Kumar is not involved in the offence. The complainant has given complaint clearly stating he was assaulted by A1 to A3. Further, the counter complaint has been given by A1 to A3 against the complainant. If A3 is not involved in the alleged offence, what is the necessity of A3 to lodge the complaint against the complainant is not explained by the Investigation Officer. The reason stated for deletion of A3 is not satisfied. Hence, the deletion report is not accepted. The case is taken cognizance for an offence u/s.296(b), 115(2), 351(2) BNS. Issue fresh summon to A1 to A3.

Finally, this petition is allowed.

This order was dictated by me to the Steno-Typist, typed by her, thereafter corrected by me, and pronounced in the open Court on Monday, the 13th day of July, 2026.

Judicial Magistrate,
Theni.