



IN THE COURT OF THE JUDICIAL MAGISTRATE, THENI.

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

Wednesday, the 05th day of August, 2026.

CrI.M.P. No.1957/2024

CNR No.TNTH020016402024

Thiru. Krishnamoorthi,
S/o. Chinnadurai

... Petitioner/Complainant

/Versus/

State
Rep by Sub-Inspector of Police,
Veerapandi Police Station,
Cr. No.370/2023

... Respondent

Muthuvel and 4 Others

... Accused

This petition is came up for hearing today in the presence of learned counsel S.Muthusamy M.A., L.L.B., appeared on behalf of the Petitioner, 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.370/2023 on the file of Veerapandi Police Station for the alleged offence U/s. 294(b), 323, and 506(ii) IPC seeking to allow the petition and direct that the proposed Accused Nos.4 and 5 be arrayed as accused in the case.

2) Averments of the Petition

(i) The petitioner/defacto complainant is residing on Village Administrative Office Street, Kottur Village. On 15.10.2023, at about 8:15 a.m., while he was proceeding through Mandukkal Street to his old house situated there, he found Muthuvel son of Thangavel, Balumuthu son of Thangavel, Suresh son of Muthuvel, Ramesh son of Balumuthu, Chellapandi son-in-law of Balumuthu and son of Komali



Balasamy, and several other identified men and women standing on the public road at Mandukkal Street. It is stated that Muthuvel was the President of Kottur Village Panchayat during the year 2023.

(ii) According to the petitioner, all the above persons were armed with deadly weapons such as aruvals, knives, sticks, and stones. They allegedly called the petitioner by name, abused him in filthy language, and thereafter assaulted him indiscriminately. As a result of the assault, the petitioner sustained multiple contusions all over his body and an injury to his right tongue. It is further alleged that all the accused criminally intimidated him by threatening that they would kill him and all his family members if they came onto the street. The petitioner further states that, during the occurrence, Ramesh and the petitioner engaged in a physical scuffle and rolled on the ground while grappling with each other. It is alleged that, at the instigation of Thangavel and Muthuvel, who was then the President of Kottur Village Panchayat, Balumuthu, his sons, and his son-in-law jointly assaulted the petitioner.

(iii) Thereafter, the petitioner lodged a complaint before the Veerapandi Police Station seeking legal action against the above persons. Based on the complaint, an FIR in Crime No.370 of 2023, dated 15.10.2023, was registered for offences u/s.294(b), 323, and 506(ii) IPC. After completion of the investigation, the Investigating Officer filed a final report before the jurisdictional Court only against Muthuvel, Balumuthu, and Suresh. In the final report, it was stated that Ramesh and Chellapandi had not participated in the commission of the offence. The petitioner contends that, in fact, both Ramesh and Chellapandi actively participated in the occurrence and assaulted him repeatedly on the date of the incident. However, the Investigating Officer, in collusion with the accused persons, falsely concluded that Ramesh and Chellapandi were not involved in any criminal act and accordingly omitted them from the final report.

(iv) The petitioner further submits that he is in possession of witnesses and documentary evidence sufficient to establish the involvement of the proposed 4th and 5th accused and is prepared to produce the same before the trial Court. Therefore, the



petitioner has prayed that this Hon'ble Court may be pleased to allow the present petition and, under Section 193(9) of the BNSS, order further investigation and direct that the proposed Accused Nos.4 and 5 be arrayed as accused in the above case.

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

4) Records perused. Arguments Heard.

(i) It is inferred that the complainant Krishnamoorthi has given complaint before the Veerapandi PS Stating that, On 15.10.2023 at about 08.15 am when the defacto complainant was going on the Mandakal Road, the accused Muthuvel, Balamuthu, Suresh, Ramesh, Chellapandi and the known male and women person abused the defacto complainant in filthy language and assaulted him with Aruval, Knife, Stick and Stone. Due to the assault, the defacto complainant was sustained bruise over his body and they criminally intimidated him. Hence the FIR in Cr.No.370/2023 has been registered for the above said named 5 accused.

(ii) The final report has been filed stating the accused the A4 and A5 were not involved in the occurrence and they have been deleted. It is the objection of the defacto complainant that the deletion is not at all acceptable and overt act of the accused was mentioned in the complaint itself. As per the report of the Veerapandi PS, A4 and A5 were present in the scene of occurrence.

(iii) Admittedly the complaint has been given against the 5 named person and other known person for the alleged offence. The Veerapandi has been given report stating the deleted accused Ramesh and Chellapandi were present during the occurrence, but they have not involved in the occurrence as stated by the complainant. When the complainant has clearly mentioned the person who involved in the offence, it is not acceptable to delete the said named accused without any valid reason. If the respondent police deleted the known male and female person who said to have involved in the occurrence, then it will not cause any prejudice to the defacto



complainant. The respondent police also admitted that the A4 and A5 were present during the occurrence hence it is not acceptable that they were not involved in the occurrence. The objection filed by the defacto complainant is satisfied and the deletion of A4 and A5 from the final report is rejected.

In the result, 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 Wednesday, the 05th day of August, 2026.

Judicial Magistrate,
Theni.