

IN THE COURT OF THE JUDICIAL MAGISTRATE, AUNDIPATTI
Present: Thiru Fazil Mohamed B.B.A., LL.B(Hons)
Crl. M.P. No.641 of 2023

Dated this the 10th day of February 2026

Chinnasamy

... Petitioner

Vs

1. Jayasudha
2. Eshwaram
3. Thamaraiselvi
4. Sellapandi
5. Shanmugarani
6. Thanga Pandiyan
7. Mathiazhagan
8. Selvi
9. Jeevitha
10. Surya
11. Vignesh
12. Balammal
13. Chittupillai
14. Boopathi
15. Nithya
16. Jagadeeshwaran
17. Sonaimuthu
18. Sathish
19. Kumaresan

... Respondents

ORDER

1. The petitioner has filed the Private Complaint in **Crl. M.P. No.641 of 2023**, alleging commission of offences by the respondents and seeking action against them.

GIST OF PETITION

2. The case of the petitioner, in brief, is that the **1st respondent is married to the petitioner's son Sivaraja**, and they have a child. It is alleged that the 1st respondent was having an **extra-marital relationship with the 10th respondent (Surya)**, which came to the knowledge of the petitioner's son. It is stated that the matter was informed to the parents of the 1st respondent.
3. It is further alleged that on **07.06.2021**, except the 10th respondent, respondents **2 to 17** were present and **assaulted and abused the 1st respondent** and brought her to their house to advise her. It is alleged that on **04.07.2021 at about 10.00 a.m.**, the respondents came to the petitioner's house, **wrongfully restrained the petitioner's wife**, assaulted the petitioner's son **Sivaraja**, chased him with a sickle and **criminally intimidated him with death**, and that he escaped.
4. It is further alleged that when the petitioner returned home near the **graveyard bridge**, respondents **10, 11, 16 and 17** assaulted him and caused injuries, due to which he was admitted in the hospital from **04.07.2021 to 07.07.2021**. Hospital intimation was given to **Myladumparai Police Station**, and **CSR No.152/2021** was registered. It is also alleged that thereafter, with the advice of respondents **18 and 19**, the respondents caused injuries to themselves and lodged a **false case in Crime No.140/2021** against the petitioner.
5. On the above allegations, the petitioner seeks action against respondents **1 to 17** for offences under Sections **147, 148, 294(b), 341, 323, 326, 307, 506(ii) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act**, and against respondents **18 and 19** under Sections **120-B, 293, 201, 217, 218 and 211 IPC**.

POINTS FOR DETERMINATION

6. **Whether there is sufficient ground to proceed against the Respondents or not?**

DISCUSSION

7. On the side of the complainant, the complainant himself was examined, as was his wife, and one Malaichamy was also examined. Filed documents in support of his contentions. Thereafter, the enquiry was heard
8. At the stage of taking cognizance, the Court is only required to see whether a prima facie case is made out based on the materials placed before. A detailed appreciation or evaluation of evidence i10.241.0.58/transfers not warranted at this stage.
9. The Hon'ble Supreme Court has repeatedly held that while taking cognizance, the Magistrate must only see whether the allegations disclose the commission of an offence, without entering into the merits or sufficiency of evidence. IN *Sunil Bharti Mittal v. CBI*, (2015) 4 SCC 609 has held that **"Sine Qua Non for taking cognizance of the offence is the application of mind by the Magistrate and his satisfaction that the allegations, if proved, would constitute an offence. It is, therefore, imperative that on a complaint or on a police report, the Magistrate is bound to consider the question as to whether the same discloses commission of an offence and is required to form such an opinion in this respect. When he does so and decides to issue process, he shall be said to have taken cognizance. At the stage of taking cognizance, the only consideration before the Court remains to consider judiciously whether the material on which the**

prosecution proposes to prosecute the accused brings out a prima facie case or not.”

10. In *State of Bihar v. Ramesh Singh*, (1977) 4 SCC 39 held that “ *IN Nirmaljit Singh Hoon v. The State of West Bengal and an- other(1)- Shelat, J. delivering the judgment on behalf of the majority for the Court referred at page 79 of the report to the earlier decisions of this Court in Chandra Deo Singh v. Prakash Chandra Bose(2) where this Court was held to have laid down with reference to the similar provisions contained in sections 202 and 203 of the Code of Criminal Procedure, 1898 "that the test was whether there was sufficient ground for proceeding and not whether there was sufficient ground for conviction, and observed that where there was prima facie evidence, even though the person charged of an offence in the complaint might have a defence, the matter had to be left to be decided by the appropriate forum at the appropriate stage and issue of a process could not be refused." Illustratively, Shelat J, further added, "Unless, therefore, the Magistrate finds that the evidence led before him is self-contradictory, or intrinsically untrustworthy, process cannot be refused if that evidence makes out a prima facie case."* Therefore, at the stage of issuing summons, this Court cannot undertake a detailed appreciation of evidence.

11. This Court has perused the records, sworn statements, materials available, and the documents filed along with the petition. On such perusal, it is seen that there existed a **family dispute** between the parties and that the petitioner had **undergone medical treatment on the relevant dates**. Certain **WhatsApp chats** placed on record indicate the **background and motive for the family dispute**. Further, a **CSR was registered on the date of occurrence**. At this stage, the materials placed before this Court **cannot be termed as groundless** so as to decline further proceedings.

12. This Court is not entering into the evidentiary value of the materials at this stage; however, for the limited purpose of taking cognisance, this Court finds that sufficient materials are available.
13. At the same time, the police officials who have been arrayed as 18th and 19th respondents herein have lodged a CSR conducted enquiry and closed the case for the reasons stated by them. There are no sufficient materials on record to implicate the police officials, who are stated to have acted in the discharge of their official duties.
14. Hence, this Court **takes cognisance** of the offences under Sections **147, 148, 294(b), 341, 323, 326 and 506(ii) IPC** and **Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act** against the accused **A1 to A17**. Issue **summons to Accused Nos 1 to 17**. The **private complaint against Accused Nos. 18 and 19 is dismissed**.

Result:

The petition is **partly allowed**. Cognizance is taken against **Accused Nos.1 to 17** for the aforesaid offences, and summons shall be issued to them. Register the case as CC.78/2026. The petition as against **Accused Nos 18 and 19** stands dismissed.

Judicial Magistrate
Aundipatti