

IN THE COURT OF JUDICIAL MAGISTRATE No. II, KUMBAKONAM,

PRESENT: THIRU S. BALADHANDAYUTHAM BSC, B.L.,

JUDICIAL MAGISTRATE No.II, KUMBAKONAM.

Tuesday, the 14th day of July, 2026.

CRMP No. 874/2025

Mr. Selvaraj (67),

S/o. Muniyan,

No.292, Karaikkal Main Road,

Palavanthan Kattalai,

Sakkottai Post,

Kumbakonam Taluk.

..... Complainant

-Vs-

State Rep. by

The Station House Officer,

Nachiyarkoil Police Station,

..... Respondent

Proposed Accused Persons:-

Mrs. Pallavi and others.

This case coming up before this Court for final hearing in the presence of **Mr.S. Suman**, learned counsel for the petitioner, and upon hearing the submissions made by the learned counsel and perusing the records, this Court passes the following order...

ORDER

1. The present petition has been filed under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the police authorities concerned to register an FIR against the proposed accused persons based on the allegations set out in the petition.

2. Upon numbering of the petition, this Court called for a status report regarding the earlier complaint submitted by the petitioner. In compliance thereof, a status report was received from the Sub-Inspector of Police, Nachiyarkoil Police Station, on 10.04.2026.

3. The crux of the case of the petitioner, as stated in the petition, is as follows:-

The complainant submits that he had let out the front portion of his house to the proposed accused, his daughter-in-law, for running a medical shop under a rental agreement. The property in question is also the subject matter of a partition suit pending between the complainant and his siblings. According to the complainant, on 01.07.2025 at about 7.00 a.m., the proposed accused, along with five other persons, damaged and removed the common shutter of the shop. When the complainant and his wife questioned their act, the proposed accused allegedly abused him in obscene language. It is further alleged that the proposed accused and the accompanying persons loaded the removed shutter into a vehicle and took it away. The complainant contends that the said shutter was a common shutter serving both the medical shop and his Xerox shop, and that its removal compromised the safety and security of his Xerox shop. Consequently, on 01.07.2025 the complainant submitted a complaint to the Inspector of Police, Nachiyarkoil Police Station, seeking appropriate action. However, no action was taken on the said representation. Thereafter, the complainant submitted complaints to the higher police authorities. Despite the same, no effective steps were taken by the police authorities on her complaint. Left with no other efficacious remedy, the

complainant has approached this Hon'ble Court seeking appropriate directions and relief. Hence, this petition.

4). Mandatory Requirement Before Issuance of Directions under Section 175(3) BNSS:-

(4.1). In view of the law laid down by the Hon'ble Supreme Court in ***Om Prakash Ambadkar v. State of Maharashtra and Others***, Criminal Appeal No. 352 of 2020, particularly paragraph 35, this Court is duty-bound to consider the submissions of the jurisdictional police before exercising its powers under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The Hon'ble Supreme Court has held that such a procedure ensures greater accountability on the part of the police authorities, enables the Magistrate to apply judicial mind to both the allegations contained in the complaint and the submissions of the police, and facilitates the passing of a reasoned and well-considered order.

(4.2). Accordingly, in compliance with the aforesaid mandate of the Hon'ble Supreme Court, this Court, before considering the complainant's prayer for issuance of directions under Section 175(3) BNSS, called for a status report from the jurisdictional police. Pursuant to the said direction, the Inspector of Police, Patteeswaram Police Station, has submitted a detailed status report along with supporting documents substantiating his findings. The same has been taken on record and carefully perused by this Court while considering the present complaint.

5. Crux of the Submissions Contained in the Status Report Filed by the Nachiyarkoil Police:-

A complaint was received from the complainant on **01.07.2025** and registered as **CSR No. 499/2025**. The matter was enquired into, and advice was given to resolve the dispute before the court. It was further submitted that the disputed property is under a civil suit for partition between the complainant and his sisters in **O.S No.193/2024**. Meanwhile, the complainant,

who is the father-in-law of the proposed accused, runs a xerox shop. He divided the shop into two parts and allotted one portion to his daughter-in-law (the proposed accused) for rent. She is running a medical shop named **ANNAI MEDICAL** in that portion. Further, the two shops share one shutter, and the proposed accused is using a separated shutter in her shop for safety purposes. This led to quarrels between them. Additionally, civil litigation regarding the shop is pending before the Principal District Munsif Court, Kumbakonam, in **O.S No. 227/2025**. A separate door was installed for the complainant's shop, and the key thereto was handed over to the complainant. Accordingly, both parties were advised to approach the competent civil forum for appropriate relief, and the CSR was closed.

6. Arguments Advanced on Behalf of the Complainant:-

The learned counsel for the complainant contended that the jurisdictional police had conducted the enquiry in a biased manner with a view to favouring the proposed accused and had failed to conduct a fair and proper enquiry into the allegations set out in the complaint. Hence, it is prayed that appropriate directions may be issued as sought for in the petition.

7. Point for Consideration:-

“Whether a direction under Section 175(3) BNSS is liable to be issued?.”

8. Discussion:-

(8.1) This Court has carefully perused the pleadings of the petitioner, the status report filed by the police, and the documents placed on record. A perusal of the records reveals that the disputed property belongs to the complainant's family property and that a partition suit in respect of the said property is already pending between the complainant and his siblings.

(8.2) It is further seen that the complainant, who is the father-in-law of the proposed accused, is running a Xerox shop in the said property. The complainant had divided the shop into two portions and leased one portion to his daughter-in-law, namely the proposed accused, under a rental agreement. The proposed accused has been carrying on business in the said portion under the name and style of "ANNAI MEDICAL". It is also evident from the records that both portions of the premises were originally covered by a common shutter. The records further disclose that the proposed accused sought to install a separate shutter for the portion in her occupation, resulting in a dispute between the parties. Thereafter, owing to the said dispute, the proposed accused instituted a civil suit against the complainant in O.S. No. 227 of 2025. As stated in the status report, a perusal of the e-Courts records reveals that the said suit is still pending adjudication.

(8.3) On perusal of the complaint, together with the photographs annexed thereto, indicates that, even if it is assumed that the common shutter was removed or replaced, the allegations, on their face, do not prima facie disclose the commission of **any cognizable offence**. The averments of the complaint is that the proposed accused, along with certain other persons, trespassed into the property and committed mischief by removing the common shutter. However, the materials placed before this Court clearly indicate that the dispute has its genesis in the pre-existing civil dispute relating to the possession and enjoyment of the property and the rights of the parties arising out of the tenancy. Furthermore, the tenancy agreement has neither been terminated nor cancelled, and the proposed accused continues to be the tenant in respect of the premises. This fact further indicates that the dispute arises out of the subsisting landlord–tenant relationship between the parties. Even assuming that the proposed accused has violated the terms and conditions of the tenancy agreement or caused damage to the property, the appropriate remedy available to the complainant is to seek redress before the competent

civil forum. Such allegations, by themselves, do not give rise to a cognizable criminal offence.

(8.4). In view of the foregoing discussion, this Court finds that the dispute between the parties essentially arises out of a landlord-tenant relationship between the complainant and the proposed accused, who is also the complainant's daughter-in-law. The records further disclose that the dispute pertains to the installation of a separate shutter in the tenanted premises, and that a civil suit concerning the subject property is already pending between the parties. The above disputes are purely civil in nature and fall within the domain of the civil court.

9. Result:

The materials placed before this Court do not prima facie disclose the commission of any cognizable offence. On the contrary, they reveal that the petitioner has attempted to give a criminal colour to what is essentially a civil dispute arising out of tenancy and property rights. Permitting criminal proceedings in such circumstances would amount to an abuse of the process of law. Accordingly, this Court is not inclined to grant the relief sought for in the present petition.

Accordingly, this Petition is Dismissed.

Typed by me in my laptop, corrected and pronounced in the open Court this the 14th day of July, 2026.

Judicial Magistrate No. -II,

Kumbakonam.

Copy to:

The Station House officer,
Nachiyarkoil.