

**IN THE COURT OF THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, TIRUCHIRAPPALLI**

Present : Thiru.M.Christopher, B.A., B.L.,
Principal District and Sessions Judge,
Tiruchirappalli.

Thursday, the 23rd day of July, 2026

CrI.M.P.No.5743/2025

in

S.C.No.378/2025

(CNR No: TNTTP010089382025)

Mahalingam, S/o.Ammasi,

... Petitioner / 1st Accused

Versus

The Inspector of Police,
Siruganur Police Station,
Crime No.139/2013.

... Respondent / Complainant

This petition coming before me on 15.06.2026 for final hearing in the presence of Thiru.Mahalingam, the petitioner appeared as party in person and of Thiru. I. Anand, the Public Prosecutor for the respondent and upon perusing the petition and counter and other material papers and upon hearing the arguments of both sides and having stood over till this day for consideration, this court delivers the following:

ORDER

The petitioner/1st accused has filed this petition under Section 227 of Cr.P.C. and under Section 250 (2) of BNSS, 2023 seeking to discharge him from the offences levelled against him.

2. The petitioner has stated that the above case is pending for 12 years. The alleged occurrence date was 27.03.2013 and the FIR was registered on 20.07.2013 after four months of the incident. Based on the said FIR, the petitioner was arrested and remanded for 28 days in judicial custody. Charge Sheet was filed nearly 6 years after i.e., on 12.11.2019. The case was pending for committal since documents and materials were not properly handed over to the committal court. The accused in this case are belonged to Vazhaiyur Village. The de-facto complainant has illegally occupied 10 cents of land more than the land allotted to him in Survey No.140/3. As a Village Assistant of the said village, the petitioner went to the place of occurrence and asked the said Palaniyappan, the de-facto complainant to vacate the place. Thereafter, he has given report to the higher officials. Thereafter, the complaint was lodged 4 months later. Hence, he had suffered. There is no 60 feet length and 6 feet height compound wall in the disputed place. Only cement slabs were found in that place. Since the Tahsildar has instructed that there should not be any

encroachment in the area, the said concrete slabs were removed from the said place. There is no report of the concerned Engineer about the value of the property. Without getting Valuation Report, the Investigation Officer has fixed on his own that the damaged material is worth about one lakh and also, the petitioner was forced to deposit the said amount in the court. The Investigation Officer has filed Charge Sheet without examining any witnesses and there is a contradiction in the date between observation mahazar and the witness list. The signature of the said Inspector of Police, Mr.Mannarmannan was forged by the police attached to the respondent police station. The statements were recorded much before the said Inspector of Police, Mr.Mannarmannan had taken charge of the respondent police station. The FIR was registered on 20.07.2013. But he has signed the Final Report on 15.06.2013 itself. It is also impossible to prepare final report before registering the FIR. The Investigation Officer Mr.Mannarmannan has stated that there was a peace meeting on 10.07.2012 and he has given a report to that effect. But that report was not annexed with the Final Report. The statements of Village Administrative Officer and Revenue Inspector were recorded much prior to registration of FIR i.e., on 27.03.2013 itself. So, it shows that the witnesses are not examined as stated in the Final Report. The Inspector of Police Mr.Mannarmannan has signed on 18 places in the Final Report. Except two signatures, the other signatures were forged by the

police. The accused have given petition to cancel the FIR. The Inspector of Police has screened the same. The de-facto complainant's father was allotted with 5 cents of land in the disputed place. In UDR Scheme, it was wrongly entered as such he is possessing 400 m² (Square Meter) excess to that. The said Poosari's sons have 22 cents in the very same survey number. He has given a false complaint and hence prayed to discharge him from the charges.

3. The respondent has filed a counter objection stating that the petition is not maintainable in law and facts. After thorough investigation only, charge sheet has been filed. Hence, the petition is not at all maintainable at this stage. The witnesses have spoken about the overt act against the petitioner and the same cannot be adjudicated without evidence. Hence, prayed to dismiss the petition.

4. The point for consideration is:

Whether the petition is to be allowed or not?

5. Point:

Heard. Records perused. This court has considered the rival submissions on both sides. The petitioner has reiterated various aspects about the filing of Final Report as such the same is false and the Investigation Officer has not properly investigated the case, witnesses were not examined by him, statements

were prepared by the police and a signature of the Investigation Officer Mr.Mannarmannan was obtained belatedly. No occurrence was taken place and there is a huge delay in registering the FIR for the alleged occurrence dated 27.03.2013. The petitioner was falsely implicated in this case.

6. Some of the cement slabs were removed from the place as per the instruction of the Tahsildar, so no offence has been committed. It cannot be presumed that discharging of official duty amounts to commission of offence. There are contradictions in the dates mentioned in observation mahazar and the list of witnesses. The FIR was registered on 20.07.2013. But the Final Report was signed by the Investigation Officer on 15.06.2013, a month before registering the FIR.

7. Some of the witness statements particularly, the Village Administrative Officer and Revenue Inspector were stated to be recorded on 27.03.2013, much prior to registration of FIR in this case. The petitioner says that 16 signatures of the Investigation Officer Mr.Mannarmannan was forged by the police. The de-facto complainant has encroached upon the public land and he has given a false complaint against the petitioner and other accused. Hence, prayed to discharge him.

8. Discharge can be ordered only when the petitioner shows that he was no way connected with the offence alleged to have been committed by him. As per the Final Report filed by the prosecution, the petitioner has committed the offence of trespass and caused damage to the property of de-facto complainant. According to the Final Report, on 27.03.2013, at about 07.30 A.M., the accused due to enmity, assembled in front of the de-facto complainant house and damaged 60 feet length and 6 feet height compound wall.

9. The Investigation Officer, after investigation, has filed the above final report before the court. He has collected material against the petitioner for commission of offence. The various grounds raised by the petitioner are related to the disputed question of evidence. Even though there are some discrepancy in the case of prosecution, that cannot be decided in the discharge application. If the petitioner was able to show that he was no way connected to the offence and he was falsely implicated in this case through admissible material, then only he can be discharged. The belated filing of FIR, discrepancies in the date mentioned in the 161 (3) of Cr.P.C., statements or belated filing of final report will not amount that the petitioner has not committed the offence.

10. Unless the witnesses were examined to show that the material collected by the prosecution are found to be false or incorrect, then only it can

be ascertained whether the offence has been committed or not. So, the various grounds raised in the discharge petition has no merits for discharging the petitioner. Hence, this petition is dismissed and accordingly, the point is answered.

RESULT:

In the result, this petition is dismissed.

Dictated to the Steno-typist, transcribed and typed by her in computer, corrected and pronounced by me in open court, on this the 23rd day of July, 2026.

**Principal District & Sessions Judge,
Tiruchirappalli.**

List of witnesses and documents on both sides : Nil

**Principal District & Sessions Judge,
Tiruchirappalli.**