

In the Court of Judicial Magistrate, Sankarankovil  
**Present: Selvi. G.Pavithra, L.L.M.,**  
Judicial Magistrate, (FAC), Sankarankovil  
Thursday the 05<sup>th</sup> day of March 2026  
**Cr.M.P.No.1107/2025**  
**CNR No.TNTS09-006502-2025**

A.Venkatachalam,  
S/o. Anthony,  
Door No. 277/1, Alaganeri,  
Thiruvengadam Taluk, Tenkasi District.

...Petitioner/Complainant

-Vs-

1. Ayyasamy,  
S/o. Krishnan,  
Alaganeri, Thiruvengadam Taluk,  
Tenkasi District.
2. Thamizharasi,  
W/o.Ayyasamy,  
Alaganeri, Thiruvengadam Taluk,  
Tenkasi District.
3. Krishnasamy,  
S/o.Ayyasamy,  
Alaganeri, Thiruvengadam Taluk,  
Tenkasi District.

...Respondents/Accuseds'

3. The Inspector of Police,  
Kuruvikulam Police Station

.... Respondent.

This Petition has been filed U/s 175(3) of BNSS Act by Advocate Mr.S.Karuppasamy, B.A.,B.L., before this Court to direct the respondent to registers a FIR against the accused.

**ORDER**

The complainant was present. The complainant side enquiry heard. Notice has been sent to the police and they have filed a reply. Record Perused. In the petition, the petitioner has contended that on 04.10.2025 at about 8.30 a.m., the respondents had raised dispute against the petitioner, with regards to compound wall; that the respondents asked the petitioner to demolish the wall; that the respondents attempted to assault the petitioner using stone and iron rods; that the respondents demolished the wall built by petitioner; that the respondents threatened to kill the petitioner. It has further been mentioned in the petition

that on 26.10.2025 evening, when the petitioner's wife went to fetch water in common pipe line, the respondents uttered obscene words towards her in public place and that the respondents pushed down the petitioner's wife. In the said petition, it has further been mentioned that on 30.10.2025, at 7.00 p.m., the respondents threatened to kill the petitioner and that due to the same, petitioner felt an alarm of death. In the reply filed by police, it has been mentioned that the respondents had built the wall demolished by them, as instructed by the police and that the respondents promised not to dispute with the petitioner. In the said reply, it has further been mentioned that the respondent had paid for surveyor to measure the property in dispute and that the police came to know that there is an encroachment measuring about 9 sq. ft. When this Court asked the petitioner for clarification with regards to whether the demolished wall was built back by the respondents, on the petitioner side, a memo dated 03.03.2026 was filed stating that the said wall was indeed built back by the respondents.

On perusal of the petition and reply, this Court finds that the respondents have admitted to have demolished the petitioner's wall and that the petitioner has admitted that the said demolished wall was built back by the respondents. From the said admissions, this Court opines that a dispute truly exists between the petitioner and the respondents. On perusal of the reply filed by police, this Court finds that while the police has mentioned that the demolished wall was built back by the respondents, there is no mention in the said reply with respect to the enquiry conducted with regards to the respondents acts of uttering obscene words in public place, assaulting the petitioner and his family and threatening to kill the petitioner, which were alleged by the petitioner to have happened on 04.10.2025, 26.10.2025 and 30.10.2025. In the reply given by the police, it has been mentioned that since it came to be known that encroachment measuring about 9 sq. ft was made by the petitioner in respondents land and that since, the respondents had built back the demolished wall and since the respondents had mentioned that they were going to take legal action, the investigation with regards to petitioner's petition was closed. This Court finds that the aforementioned contention on the police side, as unacceptable; that it is for the appropriate Civil Court to decide if there is any encroachment in respondents' land and this Court considers that the aforementioned grounds are not valid grounds for the police to close their investigation with regards to the petitioner's complaint, without enquiring with respect to incidents which are alleged to have occurred on 04.10.2025, 26.10.2025 and 30.10.2025. In

light of the above discussion, this Court opines that a cognizable offence is made out against the Accused and a detailed investigation is very much necessary in this case, for which an FIR has to be registered. Therefore, this court is satisfied that there is prima facie to register a case. However, Kuruvikulam Police station has not registered the FIR against the Accused, which has resulted in the present application.

As the averments of the accompanying affidavit reveals a cognizable offence against the Accused and as there is prima facie to register a case, the Station House Officer is hereby directed to register First Information Report against the accused and conduct investigation and submit a report within the time stipulated by the law. The Station House Officer is directed to follow the principle laid down in the “Lalitha Kumari /Vs/ State of Uttar Pradesh”.

Dictated to Steno-Typist, directly and typed by her and corrected and pronounced by me in the open court on this the 05<sup>th</sup> day of March 2026.

Judicial Magistrate, (FAC),  
Sankarankovil