



Crl.R.C .No.1107 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 21.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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1.The National Reform Movement
Registered NGO
Represented by its Secretary
Mr. Kamtachi Shanker Arumugam,
and President Mr. Jayaseelam Gopalakrishnan,
20/4, SCCB Colony Third Street,
Mahendrapuri,
Salem-636008.

2.Jayaseelan Gopalakrishnan

3.Elangovan Palanisamy

4.Karthik Raj

..... Petitioners

Vs

The Station House Officer
Sirumugai Police Station,
Mettupalayam Taluk,
Coimbatore District-641302

..... Respondent

Prayer: Criminal Revision is filed under Section 438 r/w 442 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to call for the records and set aside the
order dated 19.03.2025 passed by the Learned Judicial Magistrate,
Mettupalayam in Crl.M.P.No.114 of 2025 direct the respondent, the Station
House Officer, Sirumugai Police Station, to register an FIR based on the



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complaint dated 12.01.2025 and investigate the matter in accordance with law.

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For Petitioners : Mr.Kamatchi Shankar Arumugam
for The National Reform Movement
Party-in-person

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been filed challenging the order dated 19.03.2025 passed in Crl.M.P.No.114 of 2025 by the Judicial Magistrate, Mettupalayam, thereby dismissing the petition seeking direction under Section 175(3) of Bharatiya Nagarik Suraksha Sanhita, 2023.

2. Mr.Kamatchi Shankar Arumugam, Party-in-Person, submitted that, one Gayathri, residing at Irumborai along with her family members, had delivered two children through natural birth without visiting any hospital. Subsequently, she became pregnant for the third time and decided to deliver the child by way of natural birth. While being so, a nutrition worker met the said Gayathri, enquired about her pregnancy and submit a report to the health authorities. Thereafter, the authorities insisted that she undergo allopathic treatment. However, the said Gayathri did not go to any allopathic treatment.



3. On 11.01.2025, at about 11.00 a.m., ten persons, including

Government officials, with the aid of the police, allegedly trespassed into her house and compelled her to go to the hospital and threatened her not to go for natural birth. Therefore, the third petitioner herein, who is the husband of the said Gayathri, lodged a complaint against the Government officials, viz., the Health Department officials. Thereafter, it was informed to the first petitioner herein. When the first petitioner questioned the same, the Station House Officer of Sirumugai Police Station attempted to compromise the issue. Subsequently, the third petitioner herein was compelled to withdraw the complaint. On the next day, the first petitioner lodged a detailed complaint. However, the same was not registered. Hence, the first petitioner filed a petition seeking a direction under Section 175(3) of Bharatiya Nagarik Suraksha Sanhita, 2023.

4. Heard the learned counsel appearing on either side and perused the materials available on record.

5. A perusal of the records reveals that the complaint dated 11.01.2025 does not contain any allegation against the Health Department



workers with regards to uttering any indecent words to insult the modesty of the said Gayathri. On the other hand, the said complaint contains specific and serious allegations against the police officials, alleging that they trespassed in to the house when the said Gayathri was pregnant. Therefore, it cannot be said that the subsequent complaint lodged by the first petitioner on 12.01.2025 is an afterthought.

6. This Court finds that there are prima facie materials to conduct an enquiry. If the investigation is entrusted to the police officials against whom allegations have been made, there would not be a fair investigation. Hence, the learned Judicial Magistrate, Mettupalaym, is directed to take the complaint on file and proceed further in accordance with law.

7. In view of the above, the order dated 19.03.2025 passed in Crl.M.P.No.114 of 2025 by the Judicial Magistrate, Mettupalayam, cannot be sustained and is liable to be set aside. Accordingly, it is hereby set aside. The Judicial Magistrate, Mettupalayam, is directed to conduct an enquiry after recording the sworn statement of all the victim and if any cognizable offence is made out, to take the complaint on file, issue summons and proceed with the trial in accordance with law.



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8. In the result, this Criminal Revision Case stands allowed.

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Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking order
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To

1.The Judicial Magistrate, Mettupalayam.

2.The Station House Officer
Sirumugai Police Station,
Mettupalayam Taluk,
Coimbatore District-641302

3.The Public Prosecutor,
High Court of Madras,
Chennai.

G.K.ILANTHIRAIYAN. J,

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