



Crl.R.C.(MD)No.1107 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.1107 of 2025

T.Selvakumar

... Petitioner

Vs.

1.Sathish

2.Suyambulingam

3.The Sub-Inspector of Police,
Cyber Crime Police Station,
Nagercoil, Kanniyakumari District.

... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w 442 B.N.S.S., to call for the records pertaining to the order, dated 04.08.2025 passed in Crl.M.P.No.1369 of 2025 on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanniyakumari District and set aside the same.

For Petitioner : Mr.S.Saravana Kumar

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



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ORDER

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This Criminal Revision Case is filed challenging the order passed by the learned Judicial Magistrate No.II, Nagercoil, Kanniyakumari District in Crl.M.P.No.1369 of 2025, dated 04.08.2025.

2. The petitioner is the complainant before the learned Judicial Magistrate No.II, Nagercoil. The petitioner made an application before the learned Judicial Magistrate, under Section 175(3) of BNSS, 2023, seeking direction to the first respondent Police to register an FIR as against the proposed accused / respondent Nos.1 and 2 herein.

3. The crux of the petitioners' complaint before the learned trial Court is that the proposed accused / respondent Nos.1 and 2 herein had shared a voice recorded message in Whatsapp group threatening the petitioner in an abusive manner with life threat on 27.12.2024. In this regard, the petitioner had given a complaint on 27.12.2024 before the third respondent / Inspector of Police, Cyber Crime Police Station at Nagercoil. Due to in-action of the third respondent, on 18.01.2025, the petitioner had made a representation to the Superintendent of Police,



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Kanniyakumari District at Nagercoil. Since there was no action as against the respondent Nos.1 and 2, the petition in Crl.M.P.No.1369 of 2025 was filed by the petitioner before the learned Judicial Magistrate No.II, Nagercoil. The learned Judicial Magistrate, on receipt of the said application, had called for a report from the third respondent Police and after receiving the said report, had perused the same and proceeded to rely upon the judgment of the Hon'ble Supreme Court in the case of *Manik Taneja. Vs. State of Karnataka reported in 2015 (7) SCC 423* and came to a conclusion that the voice record sent by the proposed accused/ respondent Nos.1 and 2 herein in the WhatsApp group would not constitute an offence under section 506 of IPC, which is relevant to section 351(4) of BNS, 2023 and dismissed the said application filed by the petitioner, vide order dated 04.08.2025. Challenging the said order, this Criminal Revision Case is filed.

4. The learned counsel for the petitioner submitted that the learned Magistrate ought to have converted the said application into one filed under Section 223 of BNSS, 2023 and without doing so, he ought not to have dismissed the said application. Hence, he prays for allowing the



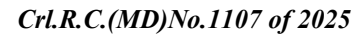
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present Criminal Revision Case.

5. Per contra, the learned Government Advocate (Crl.Side) Mr.M.Sakthi Kumar, categorically contended that the offence under Section 351(4) of BNS, 2023, being a non-cognizable and bailable offence, an application under Section 175(3) of BNSS, 2023, is not maintainable and the only way out for the petitioner is to file a private complaint. On that premise, he prayed for dismissal of the Criminal Revision Case.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appeared for the respondent No.3 and perused the materials available on record.

7. Though the learned Magistrate had not gone into the aspect as to the maintainability of the petition filed by the petitioner before him, I am of the considered view that, for the non-cognizable offence, application under Section 175(3) of BNSS, 2023, is not maintainable. In view of the same, the Criminal Revision Case is disposed of, giving liberty to the



20.08.2025

To

- 1.The Sub-Inspector of Police,
Cyber Crime Police Station,
Nagercoil, Kanniyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI,J.

Indu

Order made in
Crl.R.C.(MD)No.1107 of 2025

Dated: 20.08.2025