



**Crl.O.P.(MD)No.18477 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 31.10.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**Crl.O.P.(MD).No.18477 of 2025**

**S.Balachandran**

**... Petitioner/Defacto Complainant**

**Vs.**

**1.The Superintendent of Police,  
Tirunelveli District.**

**2.The Inspector of Police,  
Vickramasingapuram Police Station,  
Tirunelveli District.**

**... Respondents**

**Prayer:** Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the Closure Report dated 26.08.2025 filed by the 2<sup>nd</sup> respondent, set aside the same and consequently direct the 2<sup>nd</sup> respondent to register the FIR in light of the order in Cr.M.P.No.2090 of 2024 dated 22.01.2025 passed by the learned Judicial Magistrate, Ambasamudram under Section 175(3) of BNSS/156(3) Cr.P.C.

**For Petitioner : Mr.N.Karthikkanna**

**For R-1 : Mr.R.Meenakshi Sundaram  
Additional Public Prosecutor**



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## **ORDER**

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This Criminal Original Petition is filed to set aside the closure report dated 26.08.2025 filed by the second respondent and consequently, to direct the second respondent to register an FIR on the basis of the order passed by the learned Magistrate in Crl.M.P.No.2090 of 2024 dated 22.01.2025.

2. It is the case of the petitioner that he was working as a Librarian in a college; that the former Principal of the said College and the present Principal of the said College, in order to wreak vengeance on the petitioner, had humiliated him in several ways; that on 28.10.2024, the present Principal of the College prevented the petitioner from entering into the library; that since the act of the said persons attracted the offences, the petitioner had filed Crl.M.P.No. 2090 of 2024 before the learned Magistrate under Section 175(3) of BNSS (corresponding to Section 156(3) of Cr.P.C) as the respondents herein did not take any action on his complaint; that the learned Magistrate, by the order dated 22.01.2025, had directed the second respondent to conduct an enquiry and file a report to ascertain if there is any cognizable offence; that the second respondent filed a report dated 26.08.2025, which is illegal, as the second respondent cannot conduct any enquiry without registering the FIR; and that the direction



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issued by the learned Magistrate to conduct an enquiry without directing the second respondent to register an FIR also is contrary to the law laid down by this Court on the scope and power of Section 175(3) of BNSS (corresponding to Section 156(3) of Cr.P.C).

3. The learned Additional Public Prosecutor, per contra, submitted that the direction of the learned Magistrate in the order dated 22.01.2025 is to the respondents to conduct an enquiry if any cognizable offence is made out; that there was no positive direction to register an FIR; that since the allegations did not disclose cognizable offence, the report of the respondents cannot be faulted and sought for dismissal of this petition.

4. The main ground for challenge of the impugned report is that the learned Magistrate could have only directed registration of FIR or dismissed the petition; that the learned Magistrate ought not to have delegated the enquiry to the police directing the police to enquire as to whether any cognizable offence is made out; and that hence, the report filed by the second respondent without registering the FIR requires to be set aside.



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5. This Court is of the view that the learned counsel for the petitioner is right in his submission that the parties approach the learned Magistrate under Section 175(3) of BNSS (corresponding to Section 156(3) of Cr.P.C) only because the police officer has refused to register a case and that Section 175(3) of BNSS empowers the learned Magistrate to order an investigation. Before ordering investigation, it is needless to say that the learned Magistrate would have to first satisfy himself whether cognizable offence is made out and if cognizable offence is made out, the direction to investigate can be ordered, which has to be done only after registration of FIR by the police. The learned Magistrate cannot therefore once again direct the police to conduct an enquiry to ascertain if any cognizable offence is made out.

6. In this case, the learned Magistrate, by the order dated 22.01.2025, after discussing the averments in the petition and the response of the respondents therein, had directed the respondents to ascertain if the allegation of the petitioner as regards the incident said to have taken place on 28.10.2024 is true and thereafter, proceed further. At that stage, it is needless to say that all that is required to be seen is whether the complaint discloses any cognizable offence. The question as to whether the complaint is false has to be decided only during the course of investigation. Therefore, this Court is of the view that



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the learned Magistrates, before whom such petitions are filed, have to record a definite finding as to whether investigation is required or not. Therefore, this Court is of the view that the learned counsel for the petitioner is right to the extent of saying that the learned Magistrate ought to have ascertained whether cognizable offence is made out or not. However, this Court hastens to add that in cases where the enquiry is required to be conducted before registration of FIR as directed by the Hon'ble Supreme Court in ***Lalita Kumari Vs. Government of U.P. and others*** reported in ***(2014) 2 SCC 1***, the learned Magistrate can direct an enquiry.

7. But, in the present case, the allegation of the petitioner is that on 28.10.2024, the petitioner, who was working as a Librarian in the College, was not permitted to enter into the library and another lock was fixed and certain cognizable offences were committed by the proposed accused. Though the respondents ought to have registered an FIR and conducted investigation, it is seen that the respondents have examined all the witnesses including the employees of the College, who have all stated that the complaint of the petitioner is false. In fact, one of the witnesses had stated that the library was locked because the petitioner after abusing the Principal had left the premises without locking the library. Several witnesses have been examined by the



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respondents, which confirms that the petitioner's complaint is false.

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8. Considering the aforesaid facts, this Court is of the view that no useful purpose would served in setting aside the order of the learned Magistrate and directing the respondents to register an FIR as the respondents have already conducted a detailed enquiry to hold that the petitioner has given a false complaint. Therefore, though there is a procedural irregularity, on merits, the petitioner does not deserve any indulgence. Hence, this Court is inclined to dismiss the petition. Accordingly, this Criminal Original Petition stands dismissed. It is made clear that the dismissal of this petition would not prevent the petitioner to seek other remedies, if any, in law.

**31.10.2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
Lm

To

1.The Judicial Magistrate Court,  
Ambasamudram.

2.The Superintendent of Police,  
Tirunelveli District.



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3.The Inspector of Police,  
Vickramasingapuram Police Station,  
Tirunelveli District.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court.



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**SUNDER MOHAN, J.**

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