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CRL RC No. 465 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 465 of 2026

Isabella Danial W/o.Danial Stephen,
No.5, 3rd Street,
Natarajapuram, Ambur Town and Taluk,
Thirupathur District - 635 802.

..Petitioner(s)

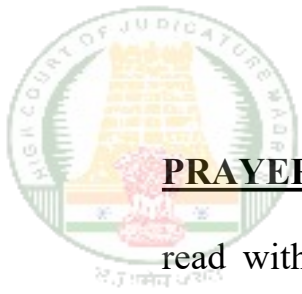
Vs

1. State Represented by:

The Inspector of Police
Town Police Station,
Ambur.

2. S.Samuel S/o.Stephen (Late),
Tamilnadu Housing Board Colony,
Walajah, Ranipet District 632 513.
3. D.Babu S/o.Dharmalingam,
No.1, Vani Street,
Kasba- B Main Road,
Ambur, Thirupathur District - 635 802.
4. C.Sekaran S/o.Chinnakuzhandhai,
No. 73, Puthumanai,
Venkata Samuththiram Village,
Ambur, Thirupathur District 635 811.
5. R.Anbarasan S/o.Rathinam,
No.1, Vani Street,
Periya Kovil Street,
Kasba-B, Ambur, Thirupathur District 635 802.

..Respondent(s)



PRAYER: This Criminal Revision Petition has been filed under Section 438 read with 442 of B.N.S.S. to call for the records related to the order dated 10.02.2026 passed in CrI.M.P, No. 205/2026 on the file of the Learned Judicial Magistrate, Ambur and set aside the same and consequently direct the 1st respondent police to register the First Information Report on the petitioners complaint dated 11.12.2025.

For Petitioner(s): Mr. Thiyagarajan B

For Respondent(s): Mr. R. Krishore Kumar
Government Advocate (CrI. Side) [for R1]
No appearance [for R2 to R5]

ORDER

This Criminal Revision petition has been filed as against the order dated 10.02.2026 passed in CrI.M.P, No. 205/2026 on the file of the Learned Judicial Magistrate, Ambur.

2. The learned counsel appearing for the petitioner would submit that on perusal of the affidavit, there are cognizable offences. He would further submit that the learned Magistrate, instead of forwarding to register FIR, has dismissed the petition.

3. At this juncture, the learned Government Advocate appearing for the 1st respondent would submit that the entire issues arising in respect of the



dispute between the brothers and even according to the allegation made in the complaint, it was in respect of the request made by the respondents 2 to 4 to vacate the premises.

4. Though the learned counsel for the petitioner would submit that there are cognizable offences as stated in the complaint, the Magistrate has no power except to forward the FIR, the Hon'ble Supreme Court has categorically held that the Magistrate is not merely a post office to simply forward the complaint. As rightly observed by the learned Magistrate, there are ingredients for a civil nature and no one should be allowed to camouflage civil case by incorporating such criminal ingredients there of to convert into criminal case.

5. At this juncture, the learned Government Advocate has relied upon the judgment of Hon'ble Supreme Court in ***Om Prakash Ambadkar vs. The State of Maharashtra & Ors in Crl Appeal No.352 of 2020 reported in 2025 INSC 139, wherein, in Para Nos.25,30 and 31, it has been held as follows:-***

“25. In fact, the Magistrate ought to direct investigation by the police only where the assistance of the Investigating Agency is necessary and the Court feels that the cause of justice is likely to suffer in the absence of investigation by the police. The Magistrate is not expected to mechanically direct investigation by the police without first examining whether in the facts and circumstances of the case, investigation by the State machinery is actually required or not. If the allegations made in the complaint are simple, where the Court can straight away proceed to conduct the trial, the Magistrate is expected to record evidence and proceed further in the matter, instead of passing the buck to the Police under [Section 156\(3\)](#) of the Cr.P.C. Ofcourse, if the allegations made in the complaint require complex and complicated investigation which cannot be undertaken without active assistance and expertise of the State



machinery, it would only be appropriate for the Magistrate to direct investigation by the police authorities. The Magistrate is, therefore, not supposed to act merely as a Post Office and needs to adopt a judicial approach while considering an application seeking investigation by the Police.

30. Sub-section (4) of [Section 175](#) of the BNSS is a new addition to the scheme of investigation of cognizable cases when compared with the scheme previously existing in [Section 156](#) of the Cr.P.C. It provides an additional safeguard to a public servant against whom an accusation of committing a cognizable offence arising in the course of discharge of his official duty is made. The provision stipulates that any Magistrate who is empowered to take cognizance under [Section 210](#) of the BNSS may order investigation against a public servant upon receiving a complaint arising in course of the discharge of his official duty, only after complying with the following procedure:

a. Receiving a report containing facts and circumstances of the incident from the officer superior to the accused public servant; and b. Considering the assertions made by the accused public servant as regards the situation that led to the occurrence of the alleged incident.

31. A comparison of [Section 175\(3\)](#) of the BNSS with [Section 156\(3\)](#) of the Cr.P.C. indicates three prominent changes that have been introduced by the enactment of BNSS as follows:

a. First, the requirement of making an application to the Superintendent of Police upon refusal by the officer in charge of a police station to lodge the FIR has been made mandatory, and the applicant making an application under [Section 175\(3\)](#) is required to furnish a copy of the application made to the Superintendent of Police under [Section 173\(4\)](#), supported by an affidavit, while making the application to the Magistrate under [Section 175\(3\)](#).

b. Secondly, the Magistrate has been empowered to conduct such enquiry as he deems necessary before making an order directing registration of FIR.

c. Thirdly, the Magistrate is required to consider the submissions of the officer in charge of the police station as regards the refusal to register an FIR before issuing any directions under [Section 175\(3\)](#)”.

6. Apart from the above, in the above judgment, it has been held that the

party should not be allowed to disguise the civil matter into criminal case.

Therefore, this Court is of the firm view that there is no palpable error so as to warranting interference of the impugned order.



7. Accordingly, this Criminal Revision Petition is *dismissed*.

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate, Ambur.
2. The Inspector of Police, Town Police Station, Ambur.
3. The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN, J.

MJS

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