

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2026

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No. 7062 of 2026

B. Ramesh

..Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tirupathur District.
2. The Deputy Superintendent of Police,
Vaniyampadi Sub Division,
Tirupathur District.
3. The Inspector of Police (Law & Order),
Town Police Station,
Vaniyampadi,
Tirupathur District.
4. The Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Tirupathur District.
5. Chengalvarayan
6. Mohan

7. Bhaskar ..Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to direct the learned Additional District Munsif cum Judicial Magistrate, Ambur, to set aside the docket order dated 12.01.2026 and to take on file and number the petition filed under Section 175(3) BNSS r/w Section 156(3) Cr.P.C. filed by the petitioner in Crl.M.P.SR. No. 159 of 2016 and dispose of the same within a stipulated period of time.

For Petitioner :: Mr.R. Sunil Kumar

For Respondents :: Mr.Leonard Arul Joseph Selvam
Addl. Public Prosecutor for
R1 to R4

O R D E R

This criminal original petition is filed to direct the learned Additional District Munsif cum Judicial Magistrate, Ambur, to set aside the docket order dated 12.01.2026 and to take on file and number the petition filed by the petitioner in Crl.M.P.SR. No. 159 of 2016 and dispose of the same within a stipulated period of time.

2. The petitioner filed a petition before the learned Additional District Munsif cum Judicial Magistrate, Ambur, under Section

175(3) of BNSS/156(3) Cr.P.C. seeking a direction to the Police to register an FIR against the proposed accused/respondents 5 to 7 herein, as the said respondents are alleged to have cheated the petitioner of his money. However, the said petition was returned by the learned Magistrate with the following endorsement:

*“ On perusal of List of document 14 dated:
27.10.2025, the petitioner seeking recovery of
money, it evident that the dispute is civil in nature.
Hence, returned.”*

Hence, the present criminal original petition.

3. According to the learned counsel for the petitioner, the learned Magistrate ought to have directed investigation under Section 156(3) Cr.P.C. as the complaint prima facie discloses commission of cognizable offences. The petition has been returned solely on the premise that the petitioner is seeking recovery of money, but the proposed accused had dishonestly induced the petitioner to part with his money, followed by refusal to repay and intimidation and this conduct of the proposed accused clearly discloses criminal intent. Therefore, the learned counsel would submit that the learned Magistrate erred in returning the petition.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for respondents 1 to 4 and perused the materials on record.

5. It is seen that the petitioner's complaint has not been considered and it has been returned without any adjudication. Whether the complaint of the petitioner has got prima facie material to register an FIR or it is civil in nature has to be decided only after hearing the petitioner.

6. In view of the same, without going into the merits of the contentions raised by the petitioner, the docket order dated 12.01.2026 passed in Crl.M.P.SR. No. 159 of 2016 is set aside. The learned Additional District Munsif cum Judicial Magistrate, Ambur, is directed to take up Crl.M.P. SR. No. 159 of 2016, hear the petitioner and thereafter, pass orders on merits independently.

7. The criminal original petition is disposed of accordingly.

23.03.2026

Neutral Citation: Yes/No

nv

(Note to Office: Registry is directed to return the original to the petitioner.)

To

1. The Additional District Munsif cum
Judicial Magistrate,
Ambur.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Tirupathur District.
3. The Deputy Superintendent of Police,
Vaniyampadi Sub Division,
Tirupathur District.
4. The Inspector of Police (Law & Order),
Town Police Station,
Vaniyampadi,
Tirupathur District.
5. The Inspector of Police,
District Crime Branch,
Office of the Superintendent of Police,
Tirupathur District.
6. The Public Prosecutor,
High Court, Madras.

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M. NIRMAL KUMAR,J.

nv

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