



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL RC No. 728 of 2026

L.M.Lawrence

..Petitioner

Vs

1. Noyal Selvan
S/o.Joseph,
JOE's Builders Civil Engineers and Builders,
105, Main Road, Sowripalayam, Coimbatore.
2. Jeen Grhori
C/o JOE's Builders Civil Engineers and
Builders, 105, Main Road,
Sowripalayam, Coimbatore.

..Respondents

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of the order dated 29.07.2025 in Crl.MP.No.25308 of 2024 passed by the learned Judicial Magistrate No.II Coimbatore and to set aside the same.

For Petitioner:

Mr.R.Selvakumar

ORDER

This Criminal Revision case has been filed to set aside the order of the learned Judicial Magistrate No.II Coimbatore in Crl.MP.No.25308 of 2024 dated 29.07.2025.

2. Heard the learned counsel for the petitioner.



3. The learned counsel appearing for the petitioner would submit that the learned Magistrate, without going into the averments made in the affidavit by simply referring about the suit filed by the accused, has construed that this issue is civil in nature.

4. However, this Court is not in a position to agree with the submission made by the learned counsel for the petitioner. While considering the impugned order, the learned Magistrate has considered all these aspects and has stated the reasons as to why this case should not be forwarded to the police. The Hon'ble Supreme Court of India very categorically held in various decisions that the learned Magistrate is not a mere post office to simply forward whatever complaint filed before them to the police.

5. It is pertinent to mention here that a Magistrate must apply judicial mind before directing for investigation under Section 156(3) of Cr.P.C/175(3) of BNSS and no order shall be for investigation should be passed mechanically. It is for the Magistrates to assess whether police investigation is truly required. On harmonious reading of the orders of the learned Magistrate, he has followed the ratio of the Hon'ble Supreme Court and arrived at a correct conclusion that nothing made out so as to forward the complaint for police investigation.



6. Apart from that, the Hon'ble Supreme Court has also come down against filing civil issues by camouflaging them as criminal complaints. There many factors exist to show that complaint is in respect of civil issue, but camouflaged as a criminal case. Hence, this Court could not find any reason to interfere with the order of the learned Magistrate.

7. Accordingly, this Criminal Revision case stands dismissed.

27-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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C.KUMARAPPAN, J.

NSL

To
The learned Judicial Magistrate No.II, Coimbatore.

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