



Crl.OP(MD)No.171 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 27.02.2026

PRONOUNCED ON : 01.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.171 of 2026

Radhakrishnan

... Petitioner/Complainant

Vs.

1. The State of Tamilnadu,
Rep. by the Superintendent of Police
Thoothukudi District.

2. The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

.... Respondents / Respondents

3. Vignesh

4. Muthuvel

..... Respondents / Accused

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to set aside the docket order of the learned Judicial Magistrate Court, Sathankulam, dated 20.11.2025 made in CrI.M.P.No.117 of 2025 and consequently direct the 2nd respondent to comply with the order of the learned Judicial Magistrate Court,



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Sathankulam, dated 01.09.2025 made in Crl.M.P.No.117 of 2025, by registering a case on the basis of the petitioner's complaint dated 28.11.2022.

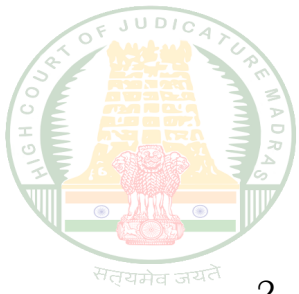
For Petitioners : Mr.R.Anand,
For Mr.J.Pooventherarajan

For R-1 & R-2 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

ORDER

Prologue:

The present Criminal Original Petition projects a disturbing narrative touching upon the sanctity of judicial orders, the limits of police discretion, and the constitutional imperative underlying the criminal justice administration. The case at hand is not merely about a complaint lodged by a finance company against defaulting borrowers. The larger question which falls for consideration before this Court is whether a police officer, after having been directed by a competent Magistrate under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to register a First Information Report, can still circumvent such judicial mandate by branding the dispute as “civil in nature” and thereby render the judicial order otiose.



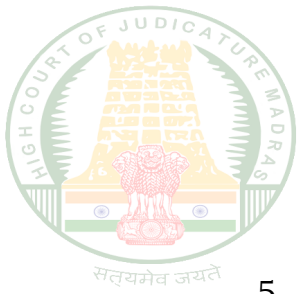
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2. The criminal justice system rests upon institutional discipline. Once a judicial order directing registration of a case is passed by a competent Court after satisfaction regarding disclosure of cognizable offences, the investigative machinery cannot assume unto itself an appellate jurisdiction over such order. Permitting such conduct would strike at the very foundation of rule of law.

3. The petitioner seeks interference with the docket order dated 20.11.2025 passed by the learned Judicial Magistrate, Sathankulam, closing the proceedings in Crl.M.P.No.117 of 2025 upon acceptance of a report submitted by the respondent police stating that the matter is civil in nature.

Case of the petitioner:

4. The petitioner is the Manager of Dugar Finance Investment Ltd., Tirunelveli Branch, engaged in financing commercial vehicles. According to the petitioner, two accused persons, namely Vignesh and Muthuvel, availed financial assistance from the petitioner company for purchase of Ashok Leyland tipper lorries bearing Registration Nos.TN-66-D-9070 and TN-66-D-9072 respectively.



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5. It is the case of the petitioner that the accused persons executed finance agreements undertaking repayment of the loan amount in monthly instalments and further agreeing to maintain statutory compliances such as valid permits, fitness certificates and insurance coverage for the vehicles. Initially, the instalments were allegedly paid regularly for certain periods. Thereafter, according to the petitioner, the accused persons deliberately defaulted in repayment despite repeated demands.

6. The petitioner would further allege that when the company representatives approached the accused persons demanding production of the vehicles for recovery proceedings, the accused persons refused to produce the vehicles and eventually informed the petitioner's employees that the vehicles had already been dismantled and sold in parts. It is further alleged that threats of criminal intimidation were also extended against the company personnel.

7. Based on the above allegations, the petitioner lodged a complaint before the second respondent police on 28.11.2022, which was assigned CSR No.944 of 2022. Since no FIR was allegedly



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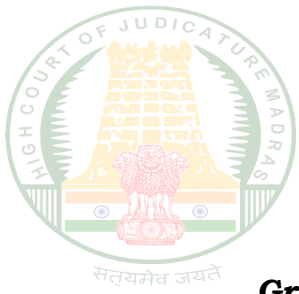
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registered, the petitioner approached the learned Judicial Magistrate, Sathankulam, by filing a petition under Section 175(3) of the BNSS in Crl.M.P.No.117 of 2025.

8. By order dated 01.09.2025, the learned Judicial Magistrate directed the respondent police to register a case, conduct investigation and file an action taken report within thirty days.

9. According to the petitioner, instead of complying with the judicial order, the respondent police conducted an informal enquiry and filed a report before the learned Magistrate stating that the dispute was civil in nature. The learned Magistrate, by docket order dated 20.11.2025, accepted the said report and closed the petition.

10. Challenging the said closure order and alleging wilful disobedience of the earlier judicial direction, the present petition has been filed under Section 528 of the BNSS.



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Grounds raised by the petitioner:

11. The learned counsel for the petitioner would submit that once the learned Magistrate had exercised jurisdiction under Section 175(3) of the BNSS and directed registration of an FIR, the respondent police had no discretion whatsoever except to comply with the order. It is contended that the police officer cannot sit in appeal over the judicial satisfaction recorded by the Magistrate.

12. The learned counsel would further submit that the allegations contained in the complaint clearly disclose cognizable offences relating to cheating, criminal breach of trust, misappropriation of hypothecated property and criminal intimidation. It is further contended that dismantling and selling financed vehicles clandestinely during subsistence of finance agreements constitutes a clear criminal act transcending the realm of a mere contractual dispute.

13. The petitioner would also allege mala fides and contend that due to political influence wielded by the accused persons, the respondent police deliberately avoided registration of the FIR despite



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judicial direction. The learned counsel would finally submit that the docket order passed by the learned Magistrate accepting the police report mechanically, despite an earlier order directing registration of FIR, is legally unsustainable and liable to be set aside.

14. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondents would submit that the dispute essentially arises out of a loan transaction between the finance company and the borrowers. It is submitted that mere default in repayment of loan instalments would not automatically constitute criminal offences. The respondents would contend that the remedy available to the petitioner is predominantly civil in nature and the finance company can very well initiate recovery proceedings before appropriate forums.

15. The learned Government Advocate would further contend that during enquiry, it was found that no ingredients constituting cognizable offences were made out and therefore the closure report was rightly filed. It is further contended that the learned Magistrate, upon consideration of the report, accepted the same and closed the



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proceedings and therefore no interference is warranted under Section 528 of the BNSS.

16. Heard the learned counsels on either side and carefully perused the materials available on record.

Points for consideration:

17. In the light of the rival submissions, the following points arise for consideration:

(i) Whether the respondent police could refuse registration of FIR after a judicial direction issued under Section 175(3) of the BNSS?

(ii) Whether the learned Magistrate was justified in accepting the closure report despite the earlier order directing registration of FIR?

(iii) Whether the allegations in the complaint disclose commission of cognizable offences warranting investigation?



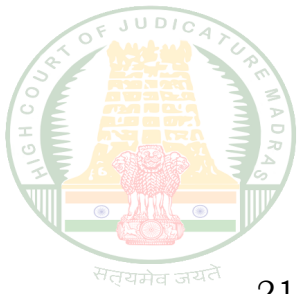
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Analysis:

18. Section 175(3) of the BNSS corresponds to Section 156(3) of the Code of Criminal Procedure. The provision empowers the Magistrate to direct registration and investigation where cognizable offences are disclosed.

19. The very purpose of such provision is to ensure judicial oversight over police inaction. Once a Magistrate applies judicial mind and records satisfaction regarding disclosure of cognizable offences, the police machinery becomes duty bound to obey the direction.

20. The investigating agency cannot thereafter undertake an exercise to determine whether the Magistrate's satisfaction was correct or otherwise. Such conduct would amount to institutional indiscipline. In the considered opinion of this Court, the respondent police exceeded their jurisdiction in treating the matter as "civil in nature" after a categorical judicial direction for registration of FIR.

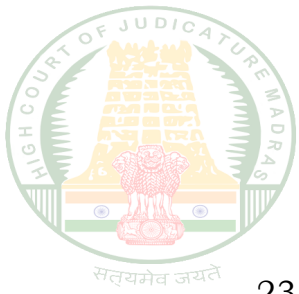


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21. The complaint allegations cannot be brushed aside as a mere loan default dispute. The gravamen of the allegations is not confined to non-payment of instalments alone. The complaint specifically alleges that:

- (a) the financed vehicles were clandestinely dismantled and sold in parts;
- (b) statutory compliances were intentionally abandoned;
- (c) the vehicles were withheld from lawful recovery;
- (d) criminal intimidation was extended against the company personnel.

22. If such allegations are taken at face value, they *prima facie* disclose ingredients attracting offences relating to cheating, dishonest misappropriation, criminal breach of trust and criminal intimidation. At the stage of registration of FIR, meticulous appreciation of evidence is impermissible. The test is only whether the complaint discloses commission of cognizable offences warranting investigation. The respondent police, instead of registering the FIR and investigating the matter in accordance with law, prematurely assumed the role of an adjudicatory authority.



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23. Equally disturbing is the manner in which the learned Magistrate accepted the closure report. The docket order dated 20.11.2025 reads thus:

“Objection petition filed by petitioner returned.

Further investigation report filed by police stating that the case is of civil nature. Hence this petition is closed.”

24. The earlier judicial order directing registration of FIR could not have been nullified through a summary docket endorsement. Judicial orders cannot be permitted to evaporate into insignificance through administrative acceptance of a police report inconsistent with the very judicial direction earlier issued.

25. Once the Magistrate had directed registration of FIR, the proper course available to the police was to register the case and thereafter conduct investigation in accordance with Chapter XIII of the BNSS.

26. Whether the allegations would ultimately culminate in filing of final report or closure report is a matter falling within the investigative domain after registration of FIR and not prior thereto.



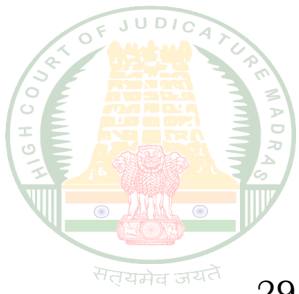
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The acceptance of the police report by the learned Magistrate, without ensuring compliance of the earlier judicial direction, suffers from manifest legal infirmity.

27. The criminal justice administration cannot function in a manner where subordinate authorities selectively obey judicial directions. If investigating agencies are permitted to independently decide whether judicial directions deserve compliance, the authority of Courts would stand substantially eroded. Judicial orders are not advisory opinions. They are binding commands enforceable under constitutional discipline. The rule of law demands institutional fidelity from every limb of the justice delivery system.

Epilogue:

28. The present case reveals an unfortunate instance where a judicial direction issued by a competent Magistrate was effectively neutralised by executive inaction and subsequently reduced into closure through a cryptic docket endorsement.



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29. The administration of criminal justice cannot be allowed to descend into a situation where judicial mandates become contingent upon executive convenience. The complaint lodged by the petitioner undoubtedly requires investigation in the manner known to law. Whether the allegations would ultimately result in prosecution or closure is a matter to be determined only after lawful registration and investigation.

30. This Court is therefore constrained to exercise its inherent jurisdiction under Section 528 of the BNSS to restore procedural sanctity and ensure adherence to the rule of law.

31. In the result, this Criminal Original Petition is allowed on the following terms:

(i) The docket order dated 20.11.2025 passed in CrI.M.P.No. 117 of 2025 by the learned Judicial Magistrate, Sathankulam, is hereby set aside.

(ii) The second respondent police is directed to comply with the earlier order dated 01.09.2025 passed in CrI.M.P.No.117 of 2025 by



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registering an FIR on the basis of the petitioner's complaint dated 28.11.2022, if not already registered.

(iii) Upon such registration, investigation shall be conducted strictly in accordance with law and uninfluenced by any observations made in this order on the merits of the allegations.

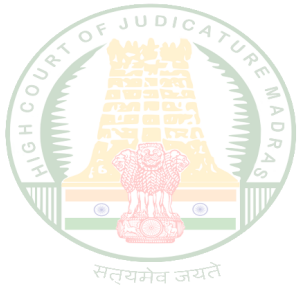
(iv) The above exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

01.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

- 1.The Judicial Magistrate Court,
Sathankulam.
- 2.The Superintendent of Police
Thoothukudi District.
3. The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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