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Crl.O.P.No.15163 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.06.2026
PRONOUNCED ON : 08.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15163 of 2026

Vasantha

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Thiyagadurgam Police Station,
Kallakurichi District.

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS/482 of Cr.P.C. to direct the respondent to file final report in pending investigation in Crime No.492 of 2021 on the file of the respondent police within a specific time frame fixed by this Court.

For Petitioner : Mr.U.Kathiravan

For Respondent : Mr.R.Rajasekaran
Government Advocate (Crl. Side)



ORDER

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The petitioner/defacto complainant, who lodged a complaint and a case in Crime No.492 of 2021 registered by the respondent for the offence under Section 379 IPC filed this petition seeking direction to the respondent to file a final report within a stipulated time.

2.The contention of the learned counsel for the petitioner is that the petitioner lodged a complaint that on 13.03.2020 at about 10.30 a.m., she attended Kumbabishegam of a Sivan Temple at Santhaimedu, Thiyyagadurgam, Kallakurichi, at that time, her neck chain of 3½ sovereigns and pearl chain of 2 sovereigns was stealthily removed. Though she lodged a complaint, only C.S.R.No.166 of 2020 assigned and thereafter no action taken. Hence, the petitioner filed a petition under Section 156(3) Cr.P.C. before the learned Judicial Magistrate, Kallakurichi and on the directions of the learned Magistrate, FIR came to be registered. He further submitted that so far the petitioner visited the respondent police on several occasions to know the status of investigation but she was not given proper reply, the petitioner is Septuagenarian and not considering her age and fragile health,



she was forced away from the Police Station without giving any reasons.

Therefore, left with no other option, the petitioner filed the present petition.

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3.The learned Government Advocate (CrI. Side) appearing for the respondent submitted that on the complaint of the petitioner, C.S.R.No.166 of 2020 assigned, thereafter it was under enquiry. The petitioner was unable to give the identity of the person. The occurrence took place during Kumbabishegam where large crowd gathered and hence, the Police were clueless. In the meanwhile, the petitioner filed a petition under Section 156(3) Cr.P.C. before the Magistrate and on the directions of the learned Magistrate, FIR registered and investigation proceeded. In the presence of witnesses, observation mahazar and rough sketch prepared, the petitioner was examined and the petitioner attending Kumababishegam was found to be true but she was unable to give any details about persons against whom she had doubt. So far eight witnesses examined and the persons who have attended Kumbabishegam along with the petitioners stated that on 13.03.2020 after coming back from Kumbabishegam the petitioner not stated anything about missing of jewels and hence, the case is likely to be closed as undetectable.



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4.This Court finding the reasons given to be not satisfactory called for the Case Diary. On perusal of Case Diary, it is seen that out of eight witnesses, LW1 is the defacto complainant, LW2 to LW5 are the persons who attended Kumbabishegam along with the petitioner, LW6 and LW7 are the witnesses for observation mahazar and rough sketch, LW8 is the Inspector of Police. The case registered on 09.07.2021 but the final report has been made ready as mistake of fact on 14.08.2021 itself. In this case, investigation carried out in a haste and within a month. The manner in which investigation conducted is not proper. Admittedly in this case, RCS notice not served to the respondent but it has been kept in the Case Diary. The Investigating Officer not enquired the Poojari or the devotees present during Kumbabishegam and other witness present. Whether any CCTV camera available in that place and whether it was verified, no details found. In gathering of large members, known criminals will be present there to find out an opportunity to snatch the chain and valuables from the crowd but what steps taken to identify and enquire such criminals, no investigation done.



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5. In view of the same, this Court set asides the final report R.C.S.No.20/2021 closing the case as mistake of fact and transfers the investigation to the Deputy Superintendent of Police, Kallakurichi, who shall conduct detailed investigation and file a final report within a period of six months from the date of receipt of a copy of this order.

6. With the above directions, the Criminal Original Petition stands allowed.

08.07.2026

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse



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To

- 1.The Inspector of Police,
Thiyagadurgam Police Station,
Kallakurichi District.
- 2.The Deputy Superintendent of Police,
Kallakurichi.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

Pre-delivery order made in

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