



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15586 of 2026

Savariraj

Petitioner(s)

Vs

1. The Inspector of Police,
CB-CID, Villupuram.

2. The Superintendent of Police,
Villupuram District, Villupuram.

3. The State represented by its,
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.

Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., read with Section 528 of BNSS, to set aside the closure report, in RCS No.62 of 2017 filed before the Judicial Magistrate Court No.1, Villupuram in Crime No.1071 of 2012, on the file of the 3rd respondent and to directing the 2nd and 3rd respondent to transfer the investigation concerned in Cr.No.1071 of 2012 on the file of 3rd respondent police to the file of 1st respondent or any other competent investigation agency to conduct a free and fair investigation and to identify and secure the accused and to file a final report within a stipulated time .

For Petitioner(s): Mr.T.Maya Krishnan

For Respondent(s): Mr.A.Amarnath
Government Advocate (Crl. Side)



ORDER

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This Criminal Original Petition has been filed seeking to set aside the closure report in RCS No.62 of 2017 filed before the Judicial Magistrate Court No.1, Villupuram in Crime No.1071 of 2012, on the file of the 3rd respondent and to directing the 2nd and 3rd respondent to transfer the investigation concerned in Cr.No.1071 of 2012 on the file of 3rd respondent police to the file of 1st respondent or any other competent investigation agency to conduct a free and fair investigation and to identify and secure the accused and to file a final report within a stipulated time.

2. The petitioner lodged a complaint before the respondent police and the case in Crime No.1071 of 2012 was registered for alleged offence under Section 381 IPC. According to the petitioner, no proper investigation was conducted. Earlier, the petitioner had filed Crl.O.P.No.15078 of 2014, seeking transfer of investigation. This Court by order dated 14.08.2014, disposed of the said petition by directing the Deputy Superintendent of Police, Villupuram, to monitor and guide the investigation in Crime No.1071 of 2012 and further directed the 3rd respondent police to complete the investigation as expeditiously as possible.



3. According to the petitioner, the closure report has already been made ready on 10.06.2014, much prior to the order dated 14.08.2014 passed in Crl.O.P.No.15078 of 2014. In such circumstances, the petitioner contends that the direction issued by this Court to the Deputy Superintendent of Police to monitor the investigation became ineffective. Believing that the investigation was being properly conducted under the supervision of Deputy Superintendent of Police, the petitioner did not pursue the matter further. Subsequently, he came to know that a closure report had been filed in R.C.S.No.62 of 2017 and that the learned Judicial Magistrate No.I, Villupuram, by order dated 14.12.2017, had recorded that the notice sent to the petitioner had not been served. Thereafter, the closure report was taken on file. The petitioner claims that he became aware of the same only at a later point of time. Hence, the petitioner had filed the present petition, seeking to consider this petition as protest petition and also seeking transfer of investigation. The Registry has raised objections regarding the maintainability of filing a protest petition before this Court without first approaching the jurisdictional magistrate and also regarding the second prayer for transfer of investigation.

4. The learned counsel for the petitioner submitted that the petitioner has already filed his objections and also relied upon the judgement of this Court in Crl.O.P.No.19180 of 2025, dated 15.07.2025, wherein this Court directed the



transfer of investigation in a case where the police had reported "further action dropped". He also relied upon the judgement of the Apex Court in the case of ***Bhagwant Singh Vs. Commissioner of Police and another***, for the reason that in the case of deletion of name or closure of the case, notice ought to have been issued to the de facto complainant.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents and also perused the materials available on record.

6. Considering the submissions made by the learned counsel on either side and upon perusal of the materials available on record, it is seen that though the petitioner had applied the certified copy of all the relevant records and the closure report in R.C.S.No.62 of 2017 from the Court of the learned Judicial Magistrate I, Villupuram, he has not chosen to file a protest petition before the Court concerned on the apprehension that the delay in filing the same would be cited against him and the protest petition may not be entertained. Further, the decision relied upon by the petitioner in Crl.O.P.No.19180 of 2025, dated 15.07.2025 would not be applicable to the facts and circumstances of the present case. At the same time, it is the settled position of law, as laid down by



the Hon'ble Supreme Court in the Bhagwant Singh case, stated supra, that notice ought to have been issued to the complainant before acceptance of a closure report and the complainant should be informed about the status of the investigation.

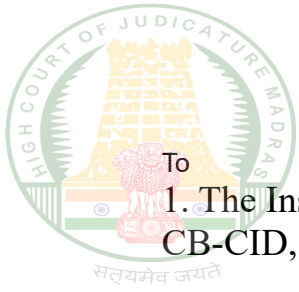
7. In view of the above, this Court is of the considered opinion that the apprehension of the petitioner that his protest petition would not be considered is misconceived. The petitioner is permitted to file a protest petition before the Jurisdictional Court in R.C.S.No.62 of 2017. If such protest petition is filed, the learned Jurisdictional Magistrate shall not reject the same solely on the ground of delay, shall entertain and consider the same on its own merits and in accordance with law.

8. With the above direction, this Criminal Original Petition is disposed of.

22-06-2026

Jd

Neutral Citation:Yes/No



To

1. The Inspector of Police,
CB-CID, Villupuram.

2. The Superintendent of Police,
Villupuram District, Villupuram.

3. The State represented by its,
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.

4. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR J.
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