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W.P.Crl.No.1461 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2026

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Crl.No.1461 of 2025
and WPMP.Crl.No.718 of 2025

1. M.Dhamodhara Krishnan,
S/o. Late Dr.K.Madhavan,
No.83, Defenders Domain,
Meenakshi Street, Dhanalakshmi Colony,
Vadapalani, Chennai – 600 026.

2. M.Gokulakrishnan,
S/o. Late Dr.K.Madhavan,
No.19/6A, Sri Meenakshi Flats,
Dhanalakshmi Colony,
Vadapalani,
Chennai – 600 026.

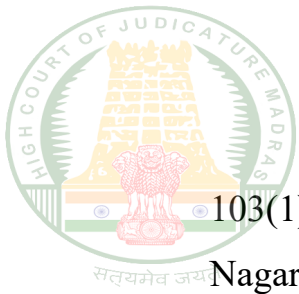
..Petitioner(s)

Vs

State of Tamil Nadu,
Rep. By The Assistant Commissioner of Police,
R-5, Virugambakkam Police Station,
Chennai.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records relating to the Final report/Chennai Sheet in Crime No.136 of 20252, filed by the respondent police before the learned XXIII Metropolitan Magistrate, Saidapet in P.R.C.No.130 of 2025 for the alleged offences under Section



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103(1), 238(a) r/w. 103(1), r/w 54, 238(a) r/w 103(1) of the Bharatiya
Nagarik Suraksha Sanhita, 2023 and the same was committed to the
learned Principal District and Sessions Judge, Chennai in S.C.No.378 of
2025 quash the same insofar as its contains any mention, attribution of a
role or reservation of the right to prosecute the petitioners as being illegal,
arbitrary an abuse of process of law.

For Petitioners : Mr.M.Yogeshkanna

For Respondent : Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

This Writ Petition has been filed challenging the charge
sheet filed in S.C.No.778 of 2025 on the file of the learned Principal
District and Sessions Judge, Chennai, dated 29.06.2025, insofar as the
enclosed note alone, thereby stating that after taking custody of the
petitioners, additional charge sheet will be filed.

2. The respondent police registered a case in Crime No.136 of
2025 under Sections 103(1), 238(a) r/w. 103(1), r/w 54, 238(a) r/w 103(1)
of the Bharatiya Nyaya Sanhita, 2023 alleging that the deceased was
murdered by unknown persons and on perusal of the CCTV footages, it is
revealed that the deceased and one Karthick, Sundar and Prabhu were



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visiting the scene of crime in the Scoripo car and they were staying in

Sundar's Shah Shah office at Eekkattuthangal from 26.03.2025 night to 27.03.2025 noon. Thereafter, they all went to the place of Karthick at Virugambakkam and drank liquor. On 27.03.2025 at about 06.00 p.m., the said Sundar and Prabhu left Karthick's house. Thereafter, at about 22.00 hours one Ravi, uncle of Karthick came there in a pulsar bike and both Karthick and Ravi had left through the rear side of the house. They walked upto road and went away from there in the Scoripo car. Therefore, the said Karthick (A1) and Ravi (A2) were arrested and remanded to judicial custody.

3. During the investigation, it is further revealed that the land to an extent of 26 cents comprised in survey No.318 & 319/2 situated at Plot No.A72, Maharaja Nagar Colony, Palayamkottai, was belong to one Ayesha Beevi and she gave power to one Augustin Selvaraj to deal with the property. At the time of registration of Power of attorney, a sum of Rs.1.5 crore was given to the owner of the property. Thereafter the said Augustin Selvaraj sold the property without the knowledge of its owner to the tune of Rs.2,08,25,000/-. The owner did not prefer any complaint as her daughter's marriage was over and she don't want to mingle in the case affairs.



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4. While the power of attorney was executed, a sum of Rs.15,00,000/- was given as commission by the owner to the power agent through the deceased, who arranged the power of attorney. Out of Rs.15,00,000/-, the deceased had taken Rs.7,00,000/- as his share and a sum of Rs.2,00,000/- was given to one Rajesh, a sum of Rs.3,00,000/- was given to one Purushothaman, a sum of Rs.1,50,000/- was given to one Binu Varghese and a sum of Rs.1,00,000/- was given to one Gokulakrishnan. Further, the power holder gave a sum of Rs.50,00,000/- to one Muthukrishnan out of which the deceased received a sum of Rs.25,00,000/- as his share. This transaction was done by the deceased without the knowledge of the petitioners herein and therefore, they got annoyed over the said transaction.

5. The motive behind the murder is that the deceased indulged in settling the real estate problems and used to receive huge amount of money as commission and kept it himself without informing or giving share to the advocates viz., the petitioners herein, in some real estate dealings. Therefore, on 09.03.2025, after attending a marriage at Madhuravoyal, Mettukuppam, SPP Garden, when the petitioners and other accused persons were alone in a marriage hall, they entered into a

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criminal conspiracy, abetted and planned to eliminate the deceased.

Accordingly, they executed a plan through the said Karthick and Ravi and murdered the deceased.

6. After completion of investigation, the respondent filed final report as against two accused persons for the offences punishable under Sections 103(1), 238(a) r/w. 103(1), r/w 54, 238(a) r/w 103(1) of the Bharatiya Nyaya Sanhita, 2023. In the final report, the respondent enclosed a note that the petitioners are absconding and they are in abroad. There is a specific statement in order to attract the charge of criminal conspiracy and abetment. When they are available and when their role in the criminal conspiracy got revealed, an additional final report will be filed as against them. Challenging the said final report, the petitioner filed the present petition.

7. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

8. There is no quarrel that the respondent can file any number of additional final reports in one FIR. But, once the trial begins, the investigating officer ought to have obtained necessary permission from



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the trial Court to conduct further investigation and to file additional final report. Therefore, there is no need to put such a note in the final report.

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Though some of the accused are absconding, when there are materials available as against them, the investigating officer can very well file additional final report as against the absconding accused. Though there is neither procedural irregularity in the Bharatiya Nagarik Suraksha Sanhita, 2023 rules nor violation of right and abuse of powers, the respondent ought not to have put a note in the charge sheet.

9. In view of the above, the note in the charge sheet cannot be sustained and is liable to be set aside. Accordingly, the note enclosed in the charge sheet filed in S.C.No.778 of 2025 on the file of the learned Principal District and Sessions Judge, Chennai, dated 29.06.2025, alone stands deleted. The respondent is at liberty to conduct further investigation and to file any number of additional final reports in accordance with the provisions under Section 193(9) of the Bharatiya Nagarik Suraksha Sanhita, 2023 in Crime No.136 of 2025.



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10. Accordingly, the Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to cost.

10.07.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts

To

1. The Principal District and Sessions Judge, Chennai,
2. The Assistant Commissioner of Police,
R-5, Virugambakkam Police Station,
Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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