



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Cr1.O.P.[MD].No.15099 of 2018

K.Subbulakshmi @ Pappa : Petitioner/Defacto Complainant
Vs.

State Represented by
The Inspector of Police,
Sambavar Vadagarai Police Station,
Tirunelveli District.
[Crime No.167 of 2015] : Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the respondent to complete the investigation and to file a final report in Crime No.167 of 2015, on the file of the respondent police within a time frame as fixed by this Court.

For Petitioner : Mr.F.X.Eugene
For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate [Cr1. Side]

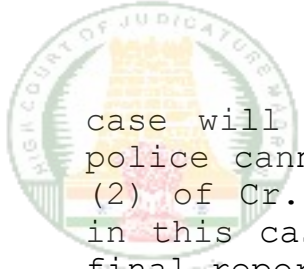
ORDER

The Criminal Original Petition has been filed for a direction to the respondent police to investigate and file a final report in Crime No.167 of 2015.

2. The learned Government Advocate [Criminal Side] would submit that a report has been filed before the learned Judicial Magistrate, Sengkottai on 01.10.2016 to the effect that the case is closed as undetected. After the filing of the report a notice has also been sent to the de-facto complainant.

3. It is seen from the report that has been filed by the respondent police that the case is at the stage of "undetected". The Code of Criminal Procedure contemplates either filing of the final report or a closure report. Filing a report as undetected and closing the case is alien to criminal law. Wherever a report has been filed as undetected by the police, it is only a stage in investigation and it can never be in the form of a final report. Therefore, the present case is pending investigation by the respondent police.

4. In the report that has been filed by the respondent police, the respondent police have mentioned that as and when any further leads are made available or if the accused themselves surrender, the



case will be taken up for further investigation. The respondent police cannot treat this report as a final report under Section 173 (2) of Cr.P.C and therefore if the respondent police get any leads in this case or if the accused surrenders, that can only lead to a final report in the present case.

5. The respondent police is directed to investigate the case and see if any further evidence or leads are available in order to nab the culprits. At this stage, this Court is not able to give any time limit for filing of the final report except directing the respondent police to investigate the case and file final report after detecting the property, as expeditiously as possible.

6. Accordingly, the criminal original petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Inspector of Police,
Sambavar Vadagarai Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.F.X.Eugene Advocate in sr.no.80243.

Sji
DS SV SAR-4 05.10.2018 2P/4C

Cr1.O.P.[MD].No.15099 of 2018

27.08.2018