



Crl.OP(MD)No.9712 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Crl.OP(MD)No.9712 of 2024

Madhavan

: Petitioner

Vs.

The State,
Rep. by the Inspector of Police,
Thoovakudi Police Station,
Tiruchirappalli District.
Crime No.47 of 2012

: Respondent

PRAYER: Petition filed under Section 482 Cr.P.C seeking a direction to the respondent to file the final report in Crime No.47 of 2012 pending on the file of the respondent Police within a stipulated time limit.

For Petitioner : Mr.A.Sivasubramanian

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl. Side)



Crl.OP(MD)No.9712 of 2024

ORDER

The petitioner / defacto complainant has filed this petition seeking a direction to the respondent Police to expedite the investigation in Crime No.47 of 2012 and to file the final report within a stipulated time limit.

2.According to the petitioner, one Selvarani showed some of her properties and agreed to sell them to him. She has also received a sum of Rs.20,00,000/- on 26.05.2006 from the petitioner. However, she did not register the document. Therefore, the petitioner has lodged a complaint on 18.04.2007 and 16.07.2007 and the said Selvarani promised to return the amount. But, she did not honor the same and on the other hand, created a document in favour of her daughter, Gokila on 25.05.2010 and son, Gokilavasan on 23.11.2010. Hence, the present complaint, which was registered in Crime No.47 of 2012 for the offence u/s.120(b), 420, 467, 468, 506(i), 471, 417 IPC.

3.Learned Counsel for the petitioner submitted that though the case was registered in the year 2012, the investigation has not been completed



Crl.OP(MD)No.9712 of 2024

and the final report has not been filed till date. Therefore, he prayed for appropriate orders.

4.When this application came up for hearing on 09.07.2024, it was represented by the respondent Police that the investigation was completed in the year 2012 itself, however, inadvertently, they have not filed the final report.

5.Considering this representation made on behalf of the respondent Police and also on the fact that a case, which was registered in the year 2012, is kept pending without any progress for the past 12 years, this Court directed the Superintendent of Police, Trichy, to file a report as to the reasons for not filing the final report, even though it was claimed that the investigation was completed in the year 2012.

6.The Superintendent of Police, Trichy, has submitted a report that the final report was filed on 09.07.2024 before the learned Judicial Magistrate No.IV, Trichy and the same was taken on file on 18.07.2024 in



Crl.OP(MD)No.9712 of 2024

C.C.No.484 of 2024. He further submitted that the case was originally registered as against eight accused. A2, A5 & A7 are no more. A6 & A8 are fixed as witnesses. After deleting these names, the final report has been filed as against three accused.

7.With regard to the delay in filing the final report, the Superintendent of Police claimed that the facility of CCTNS was provided to the Police only in the year 2015 and therefore, they were not in a position to follow the case, which was pending in the stage of investigation from the year 2012. He further submitted that the petitioner did not follow up the case by submitting any representation before the Superintendent of Police in the monthly grievance adjudication meetings. He further assured that necessary action would be taken as against the previous investigation officers, who have failed to file the final report in time.

8.This Court considered the rival submissions made on either side and perused the materials placed on record.



Crl.OP(MD)No.9712 of 2024

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9.The case in Crime No.47 of 2012 was registered on 06.03.2012, on the directions of the learned Judicial Magistrate No.VI, Trichy, in D.No. 249/12. The nature of the complaint is that the first accused, who is having some properties, approached the petitioner; agreed to sell the properties to him; received a sum of around Rs.20,00,000/- as advance for sale consideration in the presence of other accused; however, neither executed the sale deed nor returned the amount. Therefore, the petitioner has lodged a complaint before the respondent Police on 18.04.2007 and 16.07.2007. The first accused agreed to return the amount, however, she did not repay the amount and has executed the sale deed in favour of her daughter and son.

10.The contents of the First Information Report is nothing but a matter of civil dispute. The petitioner ought to have filed a suit for specific performance, instead, he has approached the respondent Police in the year 2007 and thereafter, filed a complaint before the Judicial Magistrate in the year 2012. The learned Judicial Magistrate has also mechanically referred the matter u/s.156(3) CrPC and based on that, the respondent Police has



Crl.OP(MD)No.9712 of 2024

registered the case in the year 2012 and kept the matter pending, without any progress, in a cold storage.

11.It appears that the accused 1 to 3 have filed an application to quash the FIR registered against them, in Crl.OP(MD)No.21325 of 2014 and the same was dismissed on 01.10.2018. Even thereafter, the respondent Police has not proceeded further.

12.This Court, by earlier orders dated 09.07.2024 & 18.07.2024, directed the Superintendent of Police, Trichy, to file a report, considering the manner in which a case is kept pending from the year 2012. Since this Court has called for a report from the Superintendent of Police, it appears that the respondent Police, in a hurried manner, filed the final report and also ensured that it was taken on file in C.C.No.484 of 2024.

13.It is not necessary that a final report has to be a positive report. It can even be a negative report. The Police has to conduct the investigation in a proper manner and if any cognizable offence is made out, they have to



file the final report, with materials. Even if the Magistrate has referred the matter in a mechanical manner, the respondent Police ought to have enquired the complaint and if no cognizable offence is made out, they ought to have filed a report before the Magistrate in that regard, along with the materials so collected.

14. Without doing so, the case has been registered mechanically, since it has been referred u/s.156(3) CrPC by the Judicial Magistrate. Now, the final report has also been filed, since this Court has directed the Superintendent of Police to spell out the reasons for keeping the matter pending for the past 12 years.

15. Keeping the complaint pending would certainly amount to harassing the parties and it would also demoralise the witnesses. The responsibility of the investigation agency in the criminal justice system plays a major role and they are, in fact, the kingpins in the criminal investigation system. Only on a reliable investigation and with reliable evidence, a proper justice can be rendered. On this concern, this Court has



Crl.OP(MD)No.9712 of 2024

called for the report. This Court never wanted the respondent Police to file a positive final report in a case of civil nature.

16.The Superintendent of Police is also not justified in taking a stand that the petitioner has not approached the Officers in the monthly grievance adjudication meetings. The Superintendent of Police, apart from this monthly grievance adjudication meetings, is also conducting crime meetings with the Police Officers. At that time, the Superintendent of Police ought to have ascertained the number of long pending cases within his jurisdiction. Only when the higher officials question the subordinate officers, the wheels would turn.

Be that as it may, since it is reported that the final report has now been filed, the prayer sought for by the petitioner has been met out. Hence, this criminal original petition stands closed.

Internet : Yes
gk

29.07.2024



Crl.OP(MD)No.9712 of 2024

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- To
- 1.The Inspector of Police,
Thoovakudi Police Station,
Tiruchirappalli District.
 - 2.The Superintendent of Police,
Tiruchirappalli.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.OP(MD)No.9712 of 2024

B.PUGALENDHI, J.

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CrI.OP(MD)No.9712 of 2024

29.07.2024