



Crl.O.P.No.19886 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.07.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.19886 of 2025

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Vijayarani

.. Petitioner

Vs.

1. The State Rep. by  
The Superintendent of Police,  
Cuddalore, Cuddalore District.

2. The Inspector of Police,  
Kullanchavadi Police Station,  
Cuddalore District.  
(Crime No.204 of 2015)

.. Respondents

Criminal Original Petition filed under Section 528 of the BNSS to direct the respondent herein to file the final report, concerned in Crime No.204 of 2015 on the file of the second respondent-Police within the stipulated time that may be fixed by this Court.

For petitioner : Mr.N.Palanikumar

For respondents: Mr.S.Vinoth Kumar, Govt. Advocate (Crl. Side)

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ORDER

The petitioner has filed the present petition praying for a direction to the respondents herein to file the final report in Crime No.204 of 2015 on the file of the second respondent-Police Station, within such time as may be fixed by this Court.

2. According to the petitioner, the FIR in Crime No.204 of 2015 was registered on 02.09.2015. However, till date, no final report has been filed before the competent jurisdictional Magistrate. Upon issuance of notice, the learned Government Advocate (Criminal Side) submitted that the investigation in the said case was closed as early as in the year 2017.

3. On perusal of the available materials, it appears that the closure of the investigation has neither been duly intimated to the petitioner nor has the final report been filed before the concerned jurisdictional Magistrate in accordance with Section 173(2) of the Code of Criminal Procedure. The failure to communicate the closure of the case either to the defacto complainant or to the Magistrate, coupled with the prolonged inaction for several years, amounts to a



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serious procedural lapse. It is well settled that upon conclusion of the investigation, the final report whether it be a charge sheet or a closure report must be submitted before the Magistrate concerned, and due notice must be issued to the complainant or the first informant. Any deviation from this procedure would be contrary to the mandate of the Code of Criminal Procedure. Hence, this Court, by order dated 16.07.2025, passed the following directions:-

*"This Criminal Original Petition has been filed by the petitioner/wife of the defacto complainant to direct the respondents herein to file final report, concerned in Crime No.204 of 2015 on the file of the 2nd respondent police, within the stipulated time, that may be fixed by this Court.*

*2. It is seen that the said FIR has been registered way back in the year 2015 i.e. on 02.09.2015 and according to the petitioner, till date, no final report is filed. But the learned Government Advocate (Crl. Side) appearing for the respondents police submits that the complaint was already closed in the year 2017. However, he is not in a position to say as to whether, the report was sent to the Magistrate concerned, under Section 173(2) Cr.P.C.*

*3. Therefore, the learned Government Advocate (Crl. Side) is directed to ascertain as to whether the charge sheet/final report was filed before the Jurisdictional Magistrate concerned.*

*4. Further, the learned Government Advocate (Crl. Side) is directed to produce the list of Investigating Officers who were holding the post of Station House Officer in the second respondent police station, from the date of filing of the FIR to till date.*

*5. List the matter on 21.07.2025."*

4. Subsequently, when the matter was listed on 21.07.2025, this Court



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passed the following order, and the relevant portion of the said order is extracted hereunder:-

"3. When the matter came up for hearing on 16.07.2025, the learned Government Advocate (Crl. Side) appearing for the respondent-Police submitted that the investigation in the said case was closed as early as in the year 2017. However, on being specifically questioned, the learned Government Advocate was unable to state whether any final report or closure report had been forwarded to the jurisdictional Magistrate as required under law. This Court, therefore, directed the learned Government Advocate to file a detailed report clarifying the same and also to produce the list of officers who had served as Station House Officers (SHOs) in the second respondent police station from the date of registration of FIR till date.

4. In compliance with the said direction, the learned Government Advocate has filed a report disclosing the names and tenures of the SHOs as follows:

| S.No | Name                    | From       | To         | <i>Present serving station</i>                |
|------|-------------------------|------------|------------|-----------------------------------------------|
| 1    | Tr.M.Elumalai I/C       | 12/07/2015 | 22/11/2015 | Chinnasalam PS                                |
| 2    | Tr.R.Kumar              | 23/11/2015 | 20/01/2016 | Ambur DSP<br>Thiruppathur District            |
| 3    | Tr.Kannan               | 20/01/2016 | 22/09/2017 | TNPA<br>Oonamanchery, Chennai                 |
| 4    | Tr.D.Nagarajan          | 11/09/2017 | 07/02/2018 | VRS                                           |
| 5    | Tr.M.Pandiyan           | 25/04/2018 | 31/07/2018 | Kandamangalam PS<br>Villupuram District       |
| 6    | Tr.T.Pradeep Kumar      | 01/08/2018 | 23/01/2019 | Anuppanur<br>Range, Tiruppur City             |
| 7    | Tmt.B.Geetha<br>Lakshmi | 22/02/2019 | 05/06/2019 | Died                                          |
| 8    | Tmt.P.Sathiyabama       | 11/09/2019 | 14/11/2020 | Kanagavallipuram PRS,<br>Thiruvallur District |
| 9    | Tr.A.P.Jai Keerthi      | 14/11/2020 | 23/06/2021 | Aalangayam PS,<br>Thirupattur District.       |
| 10   | Tr.T.Shyam Sundar       | 23/06/2021 | 19/09/2022 | Under Suspension                              |
| 11   | Tmt.A.Pandiselvi        | 09/01/2023 | 11/02/2024 | Kullanchavadi PS                              |
| 12   | Tr.J.Ashokan            | 09/02/2024 | 22/08/2024 | Puthupettai PS                                |



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| S.No | Name             | From       | To         | Present serving station |
|------|------------------|------------|------------|-------------------------|
| 13   | Tmt.M.Brindha    | 21/03/2025 | 08/05/2025 | Ramanathan PS           |
| 14   | Tmt.A.Pandiselvi | 09/05/2025 | Till date  | Kullanchavadi PS        |

5. From the report submitted, it is evident that although the respondent-Police now claims that the case was closed in 2017, no closure report was filed before the Magistrate under Section 173(2) Cr.P.C. Such a course of action is wholly impermissible in law. The filing of a final report whether a charge sheet or closure is a mandatory step upon completion of investigation. The Magistrate is the authority empowered to accept or reject the report, not the police. Unilateral closure of cases without filing the report in Court not only violates statutory procedure but also deprives the complainant of the opportunity to challenge the closure or seek further investigation.

6. This Court finds it necessary to once again state that this is not an isolated case. In many petitions that have come before this Court, similar lapses by the police have been noticed. Police officers often fail to file final reports under Section 173 of the Code of Criminal Procedure before the concerned Magistrates. Instead, they choose to close the investigation on their own, without informing either the Court or the complainant. This practice is not only contrary to law but also deeply troubling, as it affects the proper functioning of the criminal justice system. When police officers informally close complaints without following the proper legal procedure, it raises serious concerns. Such actions deny justice to the complainant and may even result in protecting the accused from facing trial. This Court is of the view that it is the bounden duty of the police to submit the final report to the Magistrate and to inform the complainant about the outcome of the investigation. Any failure in this regard cannot be tolerated. Section 173 of the CrPC clearly requires that once the investigation is completed, a final report must be submitted to the Magistrate who has the power to take further steps in the matter. It is for the Court, not the police, to decide whether to accept the closure or take cognizance and proceed further. The complainant also has a right to be informed so that they can challenge the closure, if necessary. Unfortunately, in several instances, the police



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have bypassed this process and taken it upon themselves to decide the fate of complaints. If this continues, it would amount to misuse of power and would damage the trust that the public has in the legal system. Justice cannot be left to the discretion of the investigating officer. This Court has already passed several orders on this issue and expressed its strong disapproval of such conduct. In one such case, this Court in Crl.O.P.No.19180 of 2025 on 15.07.2025 held:

6. On further inquiry, it has now been revealed that the complaint in question was in fact closed on 26.12.2022 by one Mr.Karnan, who was the officer in charge of the Choolaimedu Police Station from 31.12.2021 to 03.02.2024. However, though the investigation was concluded and a closure decision was taken in December 2022, no closure report was filed before the jurisdictional Magistrate as mandated under Section 173(2)(i) CrPC, nor was any intimation given to the complainant. In fact, the closure report was filed only recently on 05.07.2025, after the filing of the present petition and initiation of judicial proceedings.

7. It is to be noted that once an FIR is registered and the investigation is completed, the police are legally bound under Section 173 of the Code of Criminal Procedure to file a final report whether recommending prosecution or closure before the jurisdictional Magistrate or Special Court. At this juncture, it is useful to refer to the relevant provisions.

**"173. Report of police officer on completion of investigation.**

...

...

Section 173 of the Code of Criminal Procedure mandates that upon completion of the investigation, the Officer-in-Charge of the police station shall, without unnecessary delay, forward a final



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report to the Magistrate empowered to take cognizance of the offence. The report must contain specific particulars, including whether any offence appears to have been committed, by whom, and whether the accused has been arrested or released. Sub-section (2)(ii) further requires that the complainant be informed of the action taken. This statutory framework is designed to ensure transparency, accountability, and judicial oversight in criminal investigations. However, in the present case, the Investigating Officer failed to comply with these statutory obligations. Though the complaint was closed on 26.12.2022, no final report either recommending prosecution or seeking closure was filed before the jurisdictional Special Court until 05.07.2025, and that too only after notice was issued in the present Criminal Original Petition. Further, no RCS notice was served on the complainant as required under Section 173(2)(ii) CrPC. The failure to file a timely report and to inform the complainant constitutes a serious procedural violation and reflects a grave dereliction of duty. It is particularly disturbing that an FIR registered as early as 2018 was closed internally in 2022 without any intimation to the complainant or submission of the final report to the Court for nearly three years. The inaction on the part of the officer who closed the complaint, as well as the indifference of the subsequent officers who failed to verify and rectify the lapse, demonstrates a clear disregard for the rule of law.

8. It is settled principle that filing of a final report under Section 173 of the Code of Criminal Procedure is not optional, but a mandatory statutory obligation. In ***Dablu Kujur v. State of Jharkhand, [Criminal Appeal No. 1511 of 2024 (@ SLP (Crl.) No. 2874 of 2023), decided on 12.03.2024]***, the Hon'ble Supreme Court highlighted serious deficiencies in the



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chargesheet submitted by the police in that case. The Court expressed concern over the absence of material particulars and specifics, deeming the chargesheet legally inadequate. The Hon'ble Supreme Court underscored that the police report submitted under Section 173(2) of the Code of Criminal Procedure is a document of critical importance not only for the prosecution, but equally for the defence and the Court. The relevant portion of the said judgment is extracted hereunder:

"(7) The Police Report submitted by the police under Section 173(2) being very important piece of document from the view point of the prosecution, the defence and the court, we deem it necessary to elaborately deal with the various aspects involved in the said provision. For the reasons stated hereinafter, we are of the opinion that it is incumbent on the part of the Investigating Officer to strictly comply with the requirements of the said provisions, as non-compliance thereof gives rise to many legal issues in the court of law.

....

13. It may be noted that though there are various reports required to be submitted by the police in charge of the police station before, during and after the investigation as contemplated in Chapter XII of Cr.P.C., it is only the report forwarded by the police officer to the Magistrate under sub-section (2) of Section 173 Cr.P.C. that can form the basis for the competent court for taking cognizance thereupon. A chargesheet is nothing but a final report of the police officer under Section 173(2) of Cr.P.C. It is an opinion or intimation of the investigating officer to the concerned court that on the material collected during the course of investigation, an offence appears to have been committed by the particular person or persons, or that no offence appears to have been committed.

14. When such a Police Report concludes that an offence appears to have been committed by a particular person or persons, the Magistrate has three options: (i) he may accept the report and take cognizance of the offence and issue process, (ii) he may direct further investigation under sub-section (3) of Section 156 and require the police to make a further report, or (iii) he may disagree with the report and discharge the accused or drop the proceedings. If such Police Report concludes that no offence appears to have been committed, the Magistrate again has three options: (i) he may accept the report and drop the proceedings, or (ii) he may disagree with the report and taking the view that there is sufficient ground for proceeding further,



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take cognizance of the offence and issue process, or (iii) he may direct further investigation to be made by the police under sub-section (3) of Section 156."

Further, the Hon'ble Supreme Court, in ***Feran Singh v. State of Madhya Pradesh [Criminal Appeal No.838 of 2024, dated 13.02.2024]***, held that once an FIR is registered, it is mandatory for the investigating agency to file a report under Section 173(2) of the Code of Criminal Procedure before the concerned Court.

9. However, the procedure stipulated under the Act was not scrupulously followed. This Court also notes with serious concern that this is not an isolated case. In several recent instances, Investigating Officers have been closing complaints in a routine and mechanical manner, without filing any final report before the competent Court. In the present case, the closure report was filed only after this Court issued a direction and not before, although the decision to close the investigation was taken more than two years earlier. It must also be emphasized that had the petitioner not approached this Court, the inaction would have continued indefinitely, and the closure may have never been brought on record. This approach reflects a serious lapse in adherence to legal procedure and has resulted in the denial of justice to the affected parties.

10. In light of the above facts, it is evident that the investigation in Crime No.688 of 2018 has been mishandled with serious lapses. The officer who closed the investigation, Mr.Karnan, and the subsequent officers failed to comply with the statutory requirements. Their conduct reveals not only administrative neglect but also a serious breach of the legal process mandated by law. This Court is of the considered opinion that such dereliction of duty necessitates appropriate remedial action....."

It is relevant to note that, had the petitioner been informed of the



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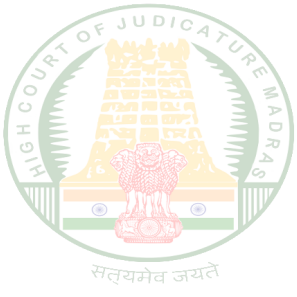
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closure of his complaint in a timely manner, he would not have been compelled to approach this Court. The fact that the closure came to his knowledge only upon receipt of notice from this Court is deeply concerning and points to a serious lapse in the functioning of the system. It is also apposite to note that unless strict directions are given and officers are held accountable, this pattern of ignoring the law will continue. The criminal justice system must operate within the framework of the law. While the police do have some discretion during investigations, that does not give them the right to bypass legal procedures or deny justice to complainants. This Court, therefore, urges that necessary steps be taken to ensure that police officers strictly follow the procedure laid down under Section 173 of the CrPC. Complaints must not be closed without submitting a final report to the Court and informing the complainant. Unless strict and firm action is taken to prevent it, such failure is bound to happen again.

7. Hence, this Court is constrained to pass the following order:

Accordingly, the Director General of Police, Tamil Nadu, is directed to initiate appropriate departmental action against the officers named in paragraph 4, at Sl. Nos. 1, 2, 3, 5, 6, 8, 9, 11, 12, 13, and 14, who were in-charge of the investigation during the relevant period and failed to submit a closure report before the Magistrate, in violation of Section 173(2) Cr.P.C. A compliance report in this regard shall be filed on or before 30.07.2025.

8. At this juncture, the learned counsel for the petitioner further submitted that the petitioner had made a representation not only to the Inspector but also to the Deputy Superintendent of Police (DSP), complaining of police inaction and alleging favouritism. However, no copy of such representation or supporting proof has been filed. The petitioner is, therefore, directed to file the said representation along with any acknowledgment or proof of submission on or before the next date of hearing. Similarly, the learned Government Advocate (Crl. Side) is directed to file a list of all officers who held the post of



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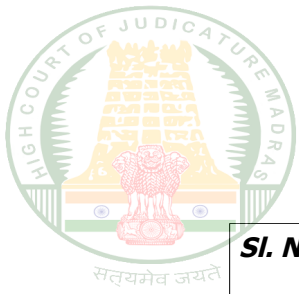
Superintendent of Police, Cuddalore District, between 02.09.2015 and the date of filing of this petition, as the representations made by the petitioner were not responded to even at that level.

9. Post the matter on 30.07.2025 for further hearing and compliance."

5. In compliance with the above direction, a report has been filed before this Court by the Deputy Inspector General of Police, Villupuram Range. It is seen from the said report that show-cause notices were issued on 26.07.2025 to the respective Police Officers named in paragraph No.4 of the earlier order, who were in-charge of the investigation during the relevant period. The report states that replies are awaited from the concerned officers and that further action will be taken in accordance with law.

6. This Court had also directed the Government Advocate (Criminal Side) to submit a list of all officers who held the post of Superintendent of Police, Cuddalore District, between 02.09.2015 and the date of filing of the present petition, since the petitioner had submitted representations to the higher authorities, including the Superintendent of Police, which went unanswered. The details of the officers are as follows:-

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| <b>Sl. No.</b> | <b>Name of the SP</b>    | <b>From</b> | <b>To</b>  | <b>Present rank and place of serving</b>                      |
|----------------|--------------------------|-------------|------------|---------------------------------------------------------------|
| 1              | Tr.C.Vijayakumar, IPS    | 29.06.2015  | 30.07.2018 | expired on 07.07.2023                                         |
| 2              | Tr.P.Saravanan, IPS      | 03.08.2018  | 29.06.2019 | SP, Villupuram                                                |
| 3              | Tr.M.Sree Abhinav, IPS   | 30.06.2019  | 06.06.2021 | SP/Assistant Director, SVP National Police Academy, Hyderabad |
| 4              | Tr.S.Sakthi Ganesan, IPS | 14.06.2021  | 09.02.2023 | SP / National Investigation Agency (NIA) on deputation        |
| 5              | Tr.R.Rajaram, TPS        | 10.02.2023  | 02.01.2025 | SP, Thanjavur                                                 |
| 6              | Tr.S.Jeyakumar, IPS      | 03.01.2025  | till date  | SP, Cuddalore                                                 |

7. Likewise, with regard to the supporting documents referred to by the petitioner, the learned counsel for the petitioner submitted that the initial complaint was sent to the Chief Minister's Cell and was thereafter forwarded to the Superintendent of Police, Cuddalore District. In support of this submission, the learned counsel has produced a copy of the online status. Despite such endorsement, it is alleged that no effective action was taken, and that the concerned Superintendents of Police failed in their duty to supervise the functioning of the Investigating Officers under their jurisdiction. Although the police claim that the case was closed in the year 2017, the closure report was admittedly not submitted to the jurisdictional Magistrate. As senior supervisory officers, the Superintendents of Police were duty-bound to exercise oversight over the functioning of all police stations within their jurisdiction.



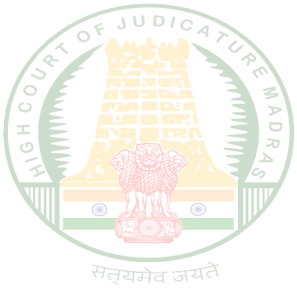
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8. From the records submitted to this Court, it is revealed that Mr.C.Vijayakumar, IPS, served as the Superintendent of Police, Cuddalore District, from 29.06.2015 to 30.07.2018. It is brought to the notice of this Court that he passed away on 07.07.2023. In the considered opinion of this Court, the subsequent Superintendents of Police who held office in Cuddalore District after his tenure are now accountable. This Court is of the view that had the officers at Serial Nos.2 to 6 conducted proper inspections whether monthly, annual, or surprise they would have detected the prolonged inaction and ensured that the closure report was duly filed before the concerned jurisdictional Magistrate and that the same was duly intimated to the complainant. Their failure to take such steps reflects a clear dereliction of duty and constitutes a serious lapse in supervisory responsibility.

9. Therefore, the Director General of Police, Tamil Nadu, is directed to initiate appropriate disciplinary proceedings against the above officers mentioned at Sl.Nos.2 to 6 and file a detailed action taken report.

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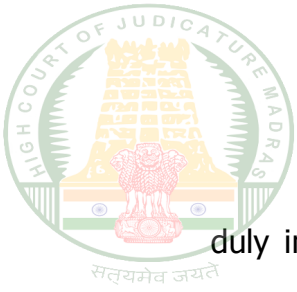
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10. It is alarming that even till date, the closure report has neither been filed before the Magistrate nor placed on record before this Court. The claim of closure in 2017 is unsupported by any documentary evidence. Thus, this Court is constrained to infer that the investigation has not been lawfully concluded. Consequently, the Director General of Police is directed to appoint a fresh Investigating Office in the second respondent-Police Station, solely for the purpose of conducting investigation in Crime No.204 of 2015. The newly appointed officer shall complete the investigation and file the final report within three months from the date of receipt of this order.

11. In view of the recurring nature of such procedural failures, this Court deems it appropriate to issue directions to the Director General of Police, Tamil Nadu, to prevent similar lapses in the future. In the instant case, the investigation was allegedly closed in 2017, but neither was the report filed before the Magistrate nor was the complainant informed. Only after judicial intervention was the matter brought to light. This Court reiterates that Section 173(2) Cr.P.C. mandates the filing of a final report whether a charge sheet or closure report before the jurisdictional Magistrate. It is not a discretionary act but a statutory duty. Further, Section 173(2)(ii) Cr.P.C. mandates that the complainant must be

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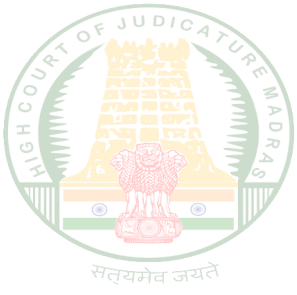
duly informed of the action taken. Any breach of these provisions undermines the judicial process and denies the complainant the right to seek redress.

12. The continued failure to file closure reports allows for records to be manipulated or destroyed and may result in miscarriage of justice. Therefore, the following directions are issued to the Director General of Police, Tamil Nadu:

(i) No case shall hereafter be treated or marked as 'closed' unless a final report is duly filed before the jurisdictional Magistrate in strict compliance with Section 173(2) of the Code of Criminal Procedure. Both the complainant and the accused shall be informed in writing of such closure, and the Station House Officer shall maintain proper records of such communication.

(ii) The Director General of Police (DGP) shall verify the consistency between the records maintained at each police station and the Court Management System. Any instance where a case is shown as 'closed' in police records without the corresponding filing of a final report in Court shall be treated as a serious procedural lapse.

(iii) Investigating Officers and Station House Officers who fail to file the final report or neglect to inform the complainant shall be subjected to disciplinary proceedings. Supervisory officers who fail in their duty to oversee such matters shall also be held accountable.



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(iv) The DGP shall issue a comprehensive circular to all District Units and Commissionerates within four weeks from the date of receipt of this order, ensuring strict compliance with the above directions.

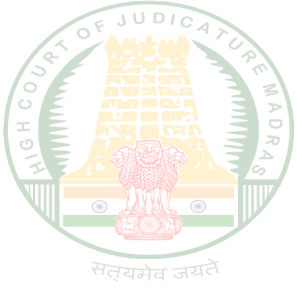
13. The Director General of Police is directed to comply with the directions in paragraph Nos.9 to 12 and file a comprehensive compliance report within three months.

14. With the above directions, this Criminal Original Petition stands disposed of.

15. List the matter under the caption for reporting compliance after three months.

30.07.2025

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To

1. The Director General of Police, Tamil Nadu, Mylapore, Chennai.
2. The Superintendent of Police,  
Cuddalore, Cuddalore District.
3. The Inspector of Police,  
Kullanchavadi Police Station,  
Cuddalore District. (Crime No.204 of 2015)
4. The Public Prosecutor, High Court, Madras.

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