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LPA.No.45 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN

LPA.No.45 of 2025 & CMP.No.21496 of 2025

1.The State of Tamil Nadu Rep by
The Superintendent of Police
Cuddalore
Cuddalore District

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

... Appellants

Vs.

Vijayarani

... Respondent

Prayer : Letters Patent Appeal filed under Clause 15 of the Letters Patent, to set aside paragraph 9 of the order dated 30.07.2025 passed in CrI.O.P.No.19886 of 2025.

For Appellants : Mr.A.Damodaran,
Additional Public Prosecutor
For Respondent : Mr.N.Palani Kumar



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JUDGMENT

(Judgment was delivered by **N. SATHISH KUMAR, J.**)

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This Letters Patent Appeal is directed against the order of the learned Single Judge directing Director General of Police, Tamil Nadu to initiate appropriate disciplinary proceedings against the 5 Superintendent of Polices who worked at Cuddalore as SPs between 02.09.2015 and the date of filing of that petition vide order dated 30.07.2025 in CrI.O.P.No.19886 of 2025.

2. A brief prelude of the factual position would be necessary on which the impugned order came to be passed is as follows:-

2.a. The respondent has filed a petition in CrI.O.P.No.19886 of 2025 under 482 Code of Criminal Procedure seeking for a direction to file final report in respect of the alleged jewel missing case which has taken place in the year 2015. The grievance of the respondent before the learned Single Judge is that despite complaint was given as early as during the year 2015 for missing of jewels, no action has been taken. Hence, the petition was filed seeking for a direction to file a final report. It was informed by the police that since the case was undetected the complaint was closed as early as on 12.11.2017. Thereafter, the learned Single Judge also called for the

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disputed by the learned counsel for the respondent.

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3. It is the contention of the learned Additional Public Prosecutor that merely procedures have not been followed by the Inspector of Police, the Superintendent of Police who have held the post from the year 2015 cannot be brought into disciplinary proceedings. It is the duty of the Investigating Officer to follow the proper procedure, though normally, SPs are also having supervisory power and to monitor the investigation, the fact remains that it is the duty of the Investigating Officer to file such report in time and merely because such reports have not been filed by the Investigating Officer who dealt with the matter, the Superintendent of Police holding the position from the year 2015 cannot be found fault with.

4. The learned counsel for the respondent submitted that now Special Investigating Officer has been appointed as far as his case is concerned.

5. Heard both sides and perused the materials placed on record.



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6. The learned Single Judge had of-course taking serious view on how the investigation is proceeded in the matter and the investigating officer has violated the procedure contemplated under Code had passed a direction to take disciplinary action against them. While doing so, the learned Single Judge also directed the Director General of Police, Tamil Nadu to initiate disciplinary proceedings against the Superintendent of Police who held posts from 02.09.2015 to the date of filing that petition. No doubt, the Superintendent of Police have to monitor the investigation conducted by the lower level officers, we are of the view that merely because some of the officers have violated the procedure and not filed final report or closure report in time before the Court, that negligence cannot be attributed to the Superintendent of Police. Therefore, we are of the view that direction to take disciplinary proceedings against the Superintendent of Police(s) who held the post from 2015 is not proper.

7. Accordingly, the direction of the learned Single Judge for the Director General of Police, Tamil Nadu to take action against the Superintendent of Police(s) for the mistakes committed by the



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SHOs/Inspector of Police is set aside. It is made clear that except that direction, all other directions are to be scrupulously followed by the Director General of Police, Tamil Nadu.

8. In view of the above, this appeal stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

(N.S.K., J.) (M.J.R., J.)
19.11.2025

dhk

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Neutral Citation : Yes / No



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