



CrI.O.P.No.25322 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.25322 of 2025

J.Arularasan

... Petitioner

Vs.

The State Represented by,

1. The Superintendent of Police,
Virudhachalam, Cuddalore District.

2. The Inspector of Police,
Pennadam Police Station,
Cuddalore District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 528 BNSS, to call for the records culminating in final report filed by the first respondent in S.C.No.233 of 2023 on the file of the learned III Additional District and Sessions Judge, Virudhachalam, Cuddalore District and set aside the same and direct the second respondent to conduct a fresh investigation/de novo investigation and file a final report before the Court concerned within a stipulated time frame fixed by this Court.

For Petitioner : Mr.B.Mohan

For Respondents : Mr.R.Vinothraja
Government Advocate (Criminal Side)



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ORDER

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The Criminal Original Petition has been filed seeking to set aside the final report filed by the respondent Police in S.C.No.233 of 2023 before the learned III Additional District and Sessions Judge, Virudhachalam, Cuddalore District and to direct fresh investigation.

2. It is the contention of the learned counsel appearing for the petitioner that based on the complaint given by the petitioner/de facto complainant, the second respondent Police registered a case in Crime No.226 of 2021 against the accused persons and the accused were charged for the offence under Sections 147, 294(b), 323, 306 and 341 of IPC. However, the final report ought to have been filed for the offence under Section 302 IPC, whereas, only an offence under Section 306 IPC has been included.

3. The learned Government Advocate (Criminal Side) contended that the trial Court has already framed charges against the accused in S.C.No.233 of 2023 and PW1 has also been examined.

4. Heard both sides and perused the materials available on record.

5. In view of the above, this Court is of the considered opinion



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that if any other offences are attracted beyond the charges already framed, it is for the trial Court decide the same on its own merits, based on the substantive evidence available on record. Therefore, this court does not find any merit in setting aside the final report filed in S.C.No.233 of 2023 before the learned III Additional District and Sessions Judge, Virudhachalam, Cuddalore District.

6. Accordingly, the Criminal Original Petition stands dismissed.

16.09.2025

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Neutral Citation:Yes/No

To

1. The III Additional District and Sessions Judge, Virudhachalam, Cuddalore District.
2. The Superintendent of Police, Virudhachalam, Cuddalore District.
3. The Inspector of Police, Pennadam Police Station, Cuddalore District.
4. The Public Prosecutor, High Court of Madras.



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N. SATHISH KUMAR, J.
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