



Crl.O.P.(MD) No. 1951 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.02.2025

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THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.1951 of 2025

M.Akbar Ali Ambalam

... Petitioner

Vs

1. The Superintendent of Police,
Sivagangai District.

2. State of Tamil Nadu,
Represented by the Inspector of Police,
District Crime Branch,
Sivagangai District.
(Crime No.6 of 2022)

...Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), to issue a order of direction directing the respondents No.2 to file the final report in connection with the Crime No.6 of 2022 on the file of the 2nd respondent within a time frame stipulated by this Honorable Court

For Petitioner : Mr.K.Kharikharadas

For Respondent : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl. Side)



CrI.O.P.(MD) No. 1951 of 2025

WEB COPY

ORDER

This petition is filed by the petitioner to direct the second respondent to file the final report in connection with the Crime No.6 of 2022 on the file of the second respondent within a time frame stipulated by this Court.

2. According to the petitioner, he lodged a complaint before the second respondent and based on his complaint, FIR in Crime No.6 of 2022 has been registered for the offence under Section 419, 406, 468, 471, 420 read with 120 B of IPC and thereafter, the second respondent police has not filed any final report so far. Therefore, he filed this petition.

3. The learned counsel appearing for the petitioner would submit that, based on the complaint given by the petitioner, FIR has been registered and thereafter, they have not completed the investigation and failed to file the final report. Already the F.I.R has been registered only based on the direction given by this Court in CrI.O.P.(MD)No.3739 of 2022 dated 24.02.2022 and thereafter, the said order was challenged before the Hon'ble Supreme Court in Special Leave to Appeal (CrI.) No.



Crl.O.P.(MD) No. 1951 of 2025

7187 of 2022 dated 21.11.2022 and the Hon'ble Supreme Court after recording that the order of the High Court has already been complied with and a case in Crime No.6 of 2022 for the offences under Sections 419, 406, 468, 471, 420 read with 120 B of IPC has been registered against the petitioner, and granted anticipatory bail and also liberty was given to seek quashment of the FIR. Even if the investigating agency files the final report, the petitioner is at liberty to file discharge petition before the Trial Court. Even after the order passed by the Hon'ble Supreme Court of India, the respondents have not completed the investigation and have not filed any final report so far. Therefore, he seeks direction to complete the investigation and file the final report with a stipulated time.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that the investigation is almost completed and is in the stage of filing the final report. Therefore, they will file the final report within a week.

5. This Court also perused the order passed by this Court in Crl.O.P. (MD) No.3739 of 2022, wherein in para no.4, this Court passed the following order:



Crl.O.P.(MD) No. 1951 of 2025

WEB COPY

“In view of the same the closure report submitted by the second respondent is set aside and the second respondent is directed to register the First Information Report and complete the investigation and file the final report with a period of four weeks from the date of receipt of a copy of this order.”

6. On a careful reading of the above said order, it is clear that this Court directed the second respondent to register FIR and complete the investigation and file the final report within four weeks from the date of receipt of copy of this Order. The above said order was passed on 24.02.2022, but so far, the second respondent police has not completed the investigation and failed to file the final report. Since already this Court passed an order directing the second respondent to complete the investigation and file the final report within the stipulated time, once again this Court need not to pass the similar kind of order and it is for the petitioner to take appropriate steps to execute the said order. Moreover, the learned Additional Public Prosecutor also submitted that they already completed the investigation and assured to file the final report within a week. Therefore, no further orders required in this case.



Crl.O.P.(MD) No. 1951 of 2025

7. With the above said observation, this Criminal Original Petition
is disposed of. No costs.

05.02.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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To

1. The Superintendent of Police,
Sivagangai District.
2. The Inspector of Police,
District Crime Branch,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No. 1951 of 2025

P.DHANABAL, J.

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Crl.O.P(MD)No.1951 of 2025

05.02.2025