



Crl.O.P(MD)No.3274 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P(MD)No.3274 of 2025

and

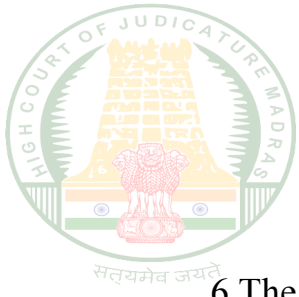
Crl.M.P(MD)No.2247 of 2025

Muthuraj

... Petitioner

Vs.

- 1.The Director General of Police,
Mylapore,
Chennai-600 004.
- 2.The Inspector General of Police,
South Zone,
Madurai.
- 3.The Superintendent of Police,
Theni District,
Theni.
- 4.The Deputy Superintendent of Police,
Andipatty,
Theni District.
- 5.The Deputy Superintendent of Police,
CBCID,
Theni District.



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6.The Inspector of Police,
Kadamalai Gundu Police Station,
Kadamalai Gundu,
Theni District.
Crime No.908 of 2020.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records relating to final report in S.C.No.71 of 2022 on the file of the Sessions Judge Fast Track (Mahila Court), Theni and set aside the same and direct the fifth respondent police to reinvestigate the FIR in Crime No.908 of 2020 and file a detailed final report afresh within the time period stipulated by this Court and pass such further or other orders as this Court.

For Petitioner : Mr.S.Loganathan

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This petition has been filed by the petitioner to quash the charge sheet in S.C.No.71 of 2022 on the file of the Sessions Judge Fast Track (Mahila Court), Theni and direct the fifth respondent police to reinvestigate the FIR in Crime No.908 of 2020 and file a detailed final report afresh.



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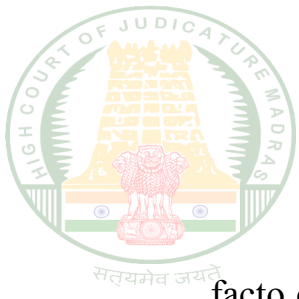
2. According to the petitioner, the petitioner is the husband of the victim, who died by committing suicide. On the date of occurrence, the petitioner was in abroad. Therefore, based on the complaint given by the mother-in-law, a case has been registered and after returning from the abroad, the petitioner came to know about the involvement of other accused. Thereby, the petitioner sent a representation to the sixth respondent police but they have not considered. Thereafter, on 28.09.2020 the petitioner filed an online complaint to the Superintendent of Police, Theni District but the same has not been considered. Therefore, the mother-in-law of the petitioner filed a petition in Crl.O.P(MD)No.13116 of 2020 seeking transfer of investigation to the fifth respondent and thereafter, the said case was disposed of. The police have not filed final report in time and now the case is pending in S.C.No. 71 of 2022 before the Sessions Judge Fast Track [Mahila Court], Theni. The copy of the final report was never provided to the petitioner or his mother-in-law till date and they have know about the contents of the final report. The petitioner has filed a complaint against his in-laws and registered a case in Crime No.435 of 2023 on the file of the sixth



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respondent police. Even in that complaint, the sixth respondent police have not taken any steps. Thereby, the petitioner filed a petition to transfer the case in Crl.O.P(MD)No.6620 of 2024 and the same is pending. The petitioner was issued summon and he appeared before the Trial Court on 22.12.2024 and then only came to know about the final report and the case has been registered only against one Ravi. Moreover, the respondent police stated in the statement recorded by them that as if they recorded statement to the petitioner on 10.09.2020, when he was not even in India. The in-laws of the petitioner also colluded with the culprits and police and they have given testimony as directed by the police and recorded the statements. The sixth respondent police deliberately suppressed various facts and never investigated about the phone calls and similarly other persons involved in the case also never called upon for investigation. Therefore, the sixth respondent police has not conducted a proper investigation and thereby, the present petition is filed to quash the charge sheet.

3. The learned Government Advocate appearing for the respondents would submit that based on the complaint given by the de



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facto complainant, the case has been registered in Crime No.908 of 2020 and thereafter, they completed investigation and filed final report under Section 306 of the Indian Penal Code, 1860 as against one Ravi and now the case is pending for examination of witnesses and already 4 more witnesses were examined including this petitioner. After examination of the witnesses, the petitioner filed this petition. Therefore, there are no merits in the petition and the present petition is liable to be dismissed.

4. This Court had heard both sides and perused the materials available on record.

5. According to the petitioner, the investigation officer has not conducted investigation in a fair manner and already the petitioner sent a representation to the Superintendent of Police but the same has not been considered. The real accused have not been included in this case and only one accused alone included and so many accused were omitted to be included.



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6. According to the respondents, they conducted investigation in a fair manner and filed final report and thereafter, the petitioner also appeared before the Trial Court and he was examined as witness. Apart from this petitioner, other three witnesses were also examined. Since already, the charge sheet was filed and based on the charge sheet, cognizance was also taken by the Trial Court and thereafter, charges were also framed and now the case is posted for trial, particularly the petitioner was examined as witness and other witnesses were also examined, the prayer of the petitioner cannot be granted. Already, investigation was completed and filed final report. The purpose of final report is to submit the materials collected during investigation to the Court for establishing the *prima facie* case against the accused for taking cognizance for the particular offence. While so, in this case already filed final report and the Trial Court based on the materials produced along with the final report has applied its mind and taken cognizance for the particular offences. Thereafter, charges were also framed against the accused for the offences under Section 306 of the Indian Penal Code, 1860. Based on the charges on the side of the petitioner, four more



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witnesses were also examined. This petitioner is also one of the witnesses among the four witness. If any material available based on the evidence of the petitioner, it is for the Trial Court to take appropriate other steps either to include other accused or to frame other charges based on the evidence of the petitioner. After examination of witnesses, it is not appropriate to go back and to set aside the final report without any strong materials. Therefore, it is for the Trial Court to take appropriate steps, if any material available as indicated above. Therefore, this Criminal Original Petition has no merits and deserves to be dismissed.

7. In the result, this Criminal Original Petition stands dismissed.

Consequently, connected Miscellaneous Petition stands closed.

21.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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- 6.The Inspector of Police,
Kadamalai Gundu Police Station,
Kadamalai Gundu,
Theni District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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