



Crl.O.P(MD)No.2617 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

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Sathaiya

... Petitioner/Accused rank not known

Vs.

1.The Superintendent of Police,
Pudukkottai, Pudukkottai District.

2.The State represented by
The Inspector of Police,
K.Puduppatti Police Station,
K.Puduppatti, Pudukkottai District.
Cr.No.13/2020.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records with record to the final report in STC No. 2/2022 on the file of Judicial Magistrate Thirumayam Pudukkottai District and set aside the same and direct the 2nd respondent to conduct further investigation of the case in Cr.No.13/2020 on the file of the 2nd respondent police.

For Petitioner : Mr.B.Thangamani

For Respondents : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

This criminal original petition is filed seeking to call for the final records pertaining to final report in S.T.C.No.2 of 2022 on the file of the Judicial Magistrate, Thirumayam and set aside the same and further direct the 2nd respondent to conduct further investigation of the case in Crime No.13 of 2020 on the file of the 2nd respondent Police.

2. The petitioner is a son of the defacto complainant in Crime No. 13 of 2020 and the said case was registered against the accused for the offences under Sections 147, 427 and 448 of IPC. The accused in Crime No.13 of 2020 had trespassed into the petitioner's house and had stolen gold jewellery and cash and damaged household articles and paddy bags which was in the custody of the petitioner. The petitioner's husband lodged a complaint before the respondent police, but the respondent police did not register a case against the accused person and hence the petitioner's father filed a petition under Section 156(3) of Cr.P.C before the Judicial Magistrate, Thirumayam and the same was numbered as Cr.M.P.No.5342 of 2019 and was allowed directing the



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respondent police to register a case. On the basis of which, the respondent police registered Crime No.13 of 2020. Without examining the petitioner and her relatives and recording their statements under Section 161 Cr.P.C in connection with the said crime, the 2nd respondent police had conducted the investigation in a hasty manner and had filed a final report and the same has been taken cognizance by the learned Judicial Magistrate in S.T.C.No.2 of 2022. In view of the incomplete investigation made by the 2nd respondent police, the petitioner fears that the accused will escape the clutches of the law and hence, has filed this criminal original petition seeking to set aside the final report and further direct the 2nd respondent to conduct further investigation in the said crime.

3. Per contra, the learned Government Advocate (Crl.Side) on instructions submitted the allegations made by the learned counsel for the petitioner is baseless and proper investigation has been conducted and final report has been laid before the learned Judicial Magistrate. If at all the petitioner is not satisfied with the manner in which the



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investigation has been conducted, the remedy which is opened for him is to file an application before the learned Trial Court seeking further investigation and he cannot come before this Court invoking jurisdiction of Section 482 C.P.C. He sought for dismissal of the criminal original petition.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Fully satisfied by the submission of the learned Government Advocate (Crl.Side), this Court hereby disposes of this Criminal Original Petition directing the petitioner to file an application under Section 173(8) of Cr.P.C before the learned Trial Court in this regard.

10.12.2025

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

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To
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- 1.The Superintendent of Police,
Pudukkottai, Pudukkottai District.
- 2.The Inspector of Police,
K.Puduppatti Police Station,
K.Puduppatti, Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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