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Crl.O.P.(MD)No.9183 of 2025



THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2025

CORAM:

THE HONOURABLE DR JUSTICE R.N.MANJULA

Crl.O.P(MD).No.9183 of 2025

Sumathi

... Petitioner /Defacto
complainant

Vs

- 1.The State of Tamil Nadu
Through The Superintendent of Police (CBI)
Central Bureau of Investigation,
Madurai District.
- 2.The Superintendent of Police,
O/o., Superintendent of Police,
Madurai District.
- 3.The Deputy Superintendent of Police,
Samayanallur, Madurai District.
- 4.The Inspector of Police,
Alanganallur Police Station,
Madurai District.

... Respondents

PRAYER: Petition filed under Section 528 of BNSS, 2023 to call for the records with regard to the final report in S.C.No.665 of 2024 on the file of the Additional District Court, Madurai and set aside the same and consequently direct the first respondent to conduct further investigation in Crime No.230 of 2024 on the file of the fourth respondent herein and file final report afresh within period stipulated by this Court.



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For Petitioner : Mr.SMA Jinnah
For Respondents : Mr.N.Mohidheen Basha
Special Public Prosecutor for CBI Cases
(for R1)
Mr.R.Meenakshi Sundaram
Additional Public Prosecutor (for R2 to R4)

ORDER

This petition has been filed against the final report in S.C.No.665 of 2024 on the file of the Additional District Court, Madurai, and to set aside the same and consequently, direct the first respondent to conduct further investigation in Crime No.230 of 2024 on the file of the fourth respondent herein and file final report afresh within period stipulated by this Court.

2. The learned counsel for the petitioner submitted that earlier the petitioner has filed an application to transfer the investigation in Crime No.230 of 2024 from the fourth respondent to some other Investigation Officer and that was dismissed on 28.08.2024, with a direction to file final report within one month and accordingly, final report has been filed. That was not challenged by the petitioner. Now, the petitioner has filed this petition with the above prayer.

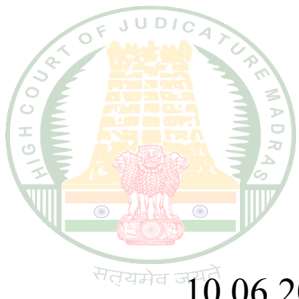


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3. The grievance of the petitioner is that the First Information Report has been registered against six unknown accused and after investigation, it was found that four more persons have involved in the offence. Out of 10 persons, 9 persons have already been arrested. Now, it is learnt that charge sheet has been filed only against six accused and it is not known why action has been dropped against other accused, who were said to have been arrested.

4. The learned Additional Public Prosecutor appearing for the respondents 2 to 4 has filed a counter stating that the petitioner / defacto complainant had given statement about the motive of some more persons and they have been secured. In the counter, there is no explanation as to why those persons / accused were not charged and hence, the matter was adjourned to 30.06.2025 to file an additional counter affidavit.

5. Thereafter, when the matter is taken up for hearing on 30.06.2025, the learned Additional Public Prosecutor submitted that the investigation has revealed the involvement of five accused, who came to the spot and murdered the petitioner's son. It is further submitted that the Police has arrested 6th accused, who harboured A1 to A5 after the occurrence.



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6. But, the petitioner has earlier given a complaint statement on

10.06.2024 that six persons have come to her house, two of them restrained her from moving and four of them chased her son and murdered him.

7. Even in the statement under Section 161 Cr.P.C. obtained from the petitioner on 12.06.2024, she has stated that six persons came to her house on the day of occurrence. In the very same statement, it is recorded that on the day of occurrence, out of tension she has stated as six persons and on re-calling, she came to understand that the accused whom she saw on the day of occurrence are the deceased Ravi's relatives. Ravi was murdered by her son and the murder of the petitioner's son is the retaliatory murder committed by Ravi's relatives. The persons who came to the place of occurrence on the day of occurrence according to the petitioner's memory are Ravi's brother Vadivel, Ravi's uncle Shiva, Ravi's maternal aunt Shakthi and two other persons who are identifiable by her.

8. If the petitioner had re-called the identities of the accused in the beginning of her statement itself, by giving their names, it would have been seen to be realistic. But in the first part of her statement recorded on 12.06.2024, it is seen she was insisting that six persons came to her house on the day of occurrence. All of a sudden, in the later part, their names and



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their relationship with the deceased Ravi, who was murdered by the petitioner's son is seen. Two persons whom the petitioner had stated identifiable have also been named in the later part and the statement ends stating only five persons involved in the occurrence.

9. The repeated contention of the petitioner is that though she has named some accused by giving their details, her statement is not properly recorded and the statement recorded in her name under Section 161 Cr.P.C., has the mixture of police. She had further stated her repeated demands had only earned the wrath of the Police and she had been falsely booked in a case.

10. Considering the above, this Court has held that the statement dated 12.06.2024 is lacking naturality and the features of reality. It is reiterated that, in the first part of the statement it has been recorded as six persons and immediately in the conclusion part it has been reduced just as five persons with names. It has been the grievance of the petitioner that her statement is not genuinely recorded and it is tailored according to the convenience of the Police. In view of the apparent omission to arrest and file charge sheet against all the six accused who had been to the place of occurrence and as reiterated by the complainant, the matter would require further investigation.



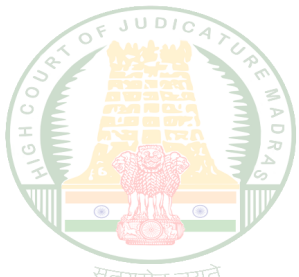
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11. At this juncture, the learned Additional Public Prosecutor submitted that an application will be filed before the appropriate Court to seek permission to do further investigation.

12. Mr.N.Mohidheen Basha, learned Special Public Prosecutor for CBI cases for the first respondent submitted that CBI does not know anything about the case and they are prepared to abide by the directions of this Court.

13. Hence, the matter was adjourned to 30.07.2025 enabling the 4th respondent to file a Report before this Court about the action taken in filing an application seeking permission of the Sessions Court for further investigation under Section 173(8) of Cr.P.C and about the further Court action.

14. In pursuant to the order dated 30.06.2025, the learned Additional Public Prosecutor submitted that an application has been made before the trial Court under Section 173(8) of Cr.P.C., seeking permission for further investigation and the same is pending for orders.



15. In the status report filed by the fourth respondent on 30.07.2025 (today), the following facts have been stated:

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“2.I further submit that the certified copy of the above-mentioned order dated 30.06.2025 was made ready and uploaded in the official website of this Court only on 14.07.2025, and the same was received thereafter.

3.I submit that an application dated 15.07.2025 was filed by me, the fourth respondent, before the Hon'ble V Additional District Court, Madurai, seeking permission to conduct further investigation under Section 173(8) of Cr.P.C., in S.C.No.665 of 2024 pending on its file.

4.I respectfully submit that the Hon'ble V Additional District Court, Madurai, by its order dated 28.07.2025, was pleased to grant permission to conduct further investigation and further directed me to file the final report on or before 22.08.2025.

5.It is most respectfully submitted that the order of this Hon'ble Court in Crl.O.P(MD).No.9183 of 2025 having been made available only on 14.07.2025, and the permission from the trial Court having been granted only on 28.07.2025, there has been limited time to meaningfully proceed with the further investigation.

6.I therefore humbly submit that further time is required to carry out the directions of this Hon'ble Court and to effectively complete the process of further investigation in accordance with law.

7.Hence, I, the fourth respondent, respectfully seek an extension of time by one month, i.e., till 30.08.2025, to complete the further investigation in S.C.No.665 of 2024 and to file the final report before the appropriate Court.”



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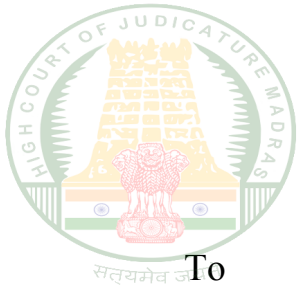
16. The grievance of the petitioner is that the investigation has not been conducted properly and even when materials are available, all the perpetrators have not been arrested and charge sheeted. The above report would show that in pursuant to the permission granted for further investigation, the investigation will be conducted, materials available with the complainant will be obtained, and a final report will be filed before the trial Court upon conclusion of the further investigation.

17. As the matter is progressing in the direction intended by the petitioner, there is no need to transfer the investigation to another agency. The petitioner can await the outcome and cooperate with the further investigation by providing any relevant materials or facts within her knowledge .

18. With the above observations, this Criminal Original Petition is closed.

30.07.2025

NCC :Yes/No
Index:Yes/No
Rmk



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To

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- 1.The Superintendent of Police (CBI)
Central Bureau of Investigation,
Madurai District.
- 2.The Superintendent of Police,
O/o., Superintendent of Police,
Madurai District.
- 3.The Deputy Superintendent of Police,
Samayanallur, Madurai District.
- 4.The Inspector of Police,
Alanganallur Police Station,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.R.N.MANJULA. J.

Rmk

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