

Crl.OP(MD)No.9760 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Crl.OP(MD)No.9760 of 2025

Vigneswaran

: Petitioner

Vs.

State of Tamilnadu,
Rep. by the Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
Cr.No.266 of 2017

: Respondent

PRAYER: Petition filed under Section 528 BNSS [482 CrPC] seeking a direction to the respondent to file the final report in Crime No.266 of 2017 dated 22.08.2017 within a stipulated time limit.

For Petitioner : Mr.K.Dinesh

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)



Crl.OP(MD)No.9760 of 2025

ORDER

WEB COPY

The petitioner, who is the defacto complainant in Crime No.266 of 2017 on the file of Kabisthalam Police Station, has filed this petition seeking a direction to the respondent police to file the final report.

2.The case of the petitioner is that on 22.08.2017, at around 06.00 pm, due to previous enmity, the accused attacked the petitioner's father with iron rod, causing injuries to his head, eye, leg and hand. When the petitioner intervened, he was also assaulted. Due to the injury caused, the petitioner's father got permanent physical disability. He was also issued with a Permanent Disability Certificate by the Government of Tamil Nadu. The grievance of the petitioner is that though the case was registered as early as in the year 2017, the respondent Police, in order to help the accused, has not concluded the investigation. Therefore, he has filed this petition.

3.Since the petitioner has made a specific allegation as against the respondent Police that they are indirectly aiding the accused by not filing

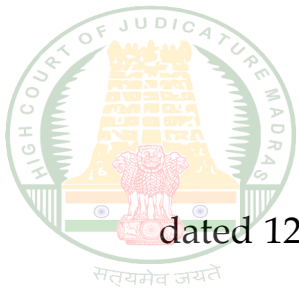


Crl.OP(MD)No.9760 of 2025

the final report, this Court, by order dated 11.06.2025, has called for a report from the respondent Police.

4.The Superintendent of Police, Thanjavur, has filed a status report dated 29.07.2025. It appears that the investigation in Crime No.266 of 2017 had actually been completed and the final report was prepared as early as 12.09.2017. However, due to lapses on the part of the then Inspector of Police, the report was not filed before the jurisdictional Magistrate. The omission was attributed to negligence and failure to follow procedural formalities, rather than any deliberate suppression. It is further stated that disciplinary proceedings has been proposed against the concerned officers for dereliction of duty and negligence. The final report has now been filed and taken on file in CC.No.94 of 2025, dated 13.06.2025, by the learned Judicial Magistrate, Papanasam.

5.The report further reads that there is a case-in-counter in Crime No. 267 of 2017 registered for the offence u/s.294(b), 324, 506(ii) IPC. The final report in that case was also filed and taken on file in CC.No.15 of 2025,



dated 12.05.2025. The trial in both the cases are pending before the Judicial Magistrate Court, Papanasam. The report further reads that instructions have also been issued to ensure that all pending cases are reviewed and final reports are filed within a fixed time frame.

6.This Court paid it's anxious consideration to the rival submissions made on either side and perused the materials placed on record.

7.This case is yet another example of how administrative lapses in the police machinery can cause unjustified delay in the completion of criminal proceedings. Though the investigation was over as early as in the year 2017, the failure to take the simple step of filing the final report before the Magistrate has resulted in an eight-year gap between completion of investigation and the case being taken on file.

8.Such lapses, whether motivated by mala fides or not, strike at the root of timely administration of justice. They undermine public confidence in the criminal justice process and cause avoidable hardship to both



complainants and accused. It is therefore appropriate that the departmental proceedings initiated against the erring officers be taken to their logical conclusion without delay and that the instructions for regular review of pending cases be implemented in letter and spirit.

9.As per Police Standing Order 566, whenever a case and a counter-case arise out of the same transaction, both shall be investigated by the same Investigating Officer, who must ascertain the truth, determine the real aggressor, and file a final report accordingly. It is not known whether the said mandate has been complied with in the present instance. In any event, to ensure consistency of adjudication and to avoid conflicting decisions, let the trial in CC.No.94 of 2025 and CC.No.15 of 2025 be conducted together.

10.This Court refrains from imposing any cost on the respondent Police, payable to the petitioner for the delay in filing the final report, having regard to the peculiar facts and circumstances of this case. While the inordinate delay from 2017 to 2025 is wholly unacceptable and stands deprecated, it is noticed that the counter-complaint arising from the same



Crl.OP(MD)No.9760 of 2025

incident was also pending without any final report until recently, and that both reports have now been filed within a short interval of each other. In such circumstances, and since both matters are now pending trial before the same Court, this Court is of the view that awarding monetary compensation at this stage may not serve any substantial purpose, other than adding to the adversarial climate between the parties. However, this order shall not be construed as condoning the lapse on the part of the police, which is already the subject matter of departmental proceedings.

With the above observations and directions, this criminal original petition stands closed.

Internet : Yes
gk

29.08.2025

To

- 1.The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
- 2.The Superintendent of Police,
Thanjavur.



Crl.OP(MD)No.9760 of 2025

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrI.OP(MD)No.9760 of 2025

B.PUGALENDHI, J.

gk

CrI.OP(MD)No.9760 of 2025

29.08.2025