

Crl.OP(MD)No.10403 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2025

CORAM:

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

Crl.OP(MD)No.10403 of 2025

Vijaya

: Petitioner

Vs.

1.State of Tamilnadu,
Rep. by the Superintendent of Police,
Madurai District.

2.The Inspector of Police (Crime),
Sindhupatti Police Station,
Madurai District.
Cr.No.151 of 2024

: Respondents

PRAYER: Petition filed under Section 528 BNSS [482 CrPC] seeking a direction to transfer the investigation in Crime No.151 of 2024 from the file of the second respondent / Sindhupatti Police Station to some other investigating officer.



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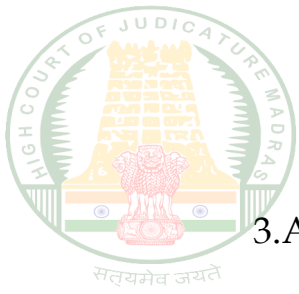
For Petitioner : Mr.R.N.Kasi Vishwanathan

For Respondents: Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

The petitioner has filed this petition seeking a direction to transfer the investigation in Crime No.151 of 2024 from the file of the Sindhupatti Police Station to another investigating authority for a fair and expeditious investigation.

2.On 09.08.2024, due to family dispute, there was a scuffle between the petitioner, her husband and in-laws. On the complaints of both the factions, Crime No.150 of 2024 came to be registered as against the petitioner and her family members for the offence u/s.191(2), 191(3), 296(b), 115(2), 118(1), 324(1), 351(3) BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Likewise, Crime No.151 of 2024 came to be registered on the petitioner's complaint for the offence u/s.191(2), 126(2), 296(b), 118(1), 351(3) BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act.

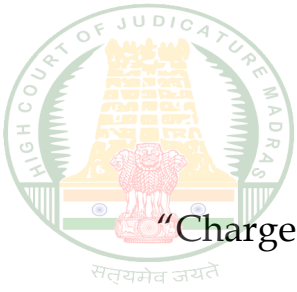


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3. According to the petitioner, her father-in-law is the ex-president and her mother-in-law is the present president of the village panchayat.

Therefore, the respondent Police has not registered her complaint in the first instance. Only when she lodged a complaint before the Superintendent of Police, Madurai, her complaint was registered. Apprehending that the investigation would not be conducted properly, she filed Crl.OP(MD)No. 18862 of 2024 seeking transfer of investigation. In that petition, a representation was made on behalf of the respondent Police that the investigation in both Crime Nos.150 & 151 of 2024 was completed and that the petitioner's family was found to be aggressors. Therefore, they have filed the final report as 'mistake of facts' insofar as Crime No.151 of 2024 is concerned and they are about to file charge sheet insofar as Crime No.150 of 2024 is concerned. Recording the same, this Court, by order dated 30.10.2024, granted liberty to the petitioner to file a protest petition before the trial court.

4. The petitioner thereafter filed a protest petition on 20.02.2025, which was returned by the Judicial Magistrate, Thirumangalam, with the remark,



“Charge sheet not filed, hence this return.” Therefore, the petitioner, alleging that the respondent Police have not conducted the investigation in Crime No.151 of 2024 in a proper manner, has filed this instant petition seeking transfer of investigation for the second time.

5.Learned Additional Public Prosecutor submitted that the petitioner and her family members are the aggressors and they have assaulted the petitioner's in-laws on 09.08.2024. Therefore, the case in Crime No.150 of 2024 was registered as against her. As a retaliation, she lodged a complaint, which was registered in Crime No.151 of 2024. After investigation, the complaint of the petitioner was found to be false and therefore, the investigation agency has referred the case in Crime No.151 of 2024 as mistake of fact. However, inadvertently, the respondent Police failed to file the final report before the Court concerned and he undertook that the final report would be filed within a period of one week.

6.Being not satisfied with the reasonings offered by the learned Additional Public Prosecutor, this Court, by order dated 20.06.2025, sought



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for a report from the Superintendent of Police, Madurai District, as to

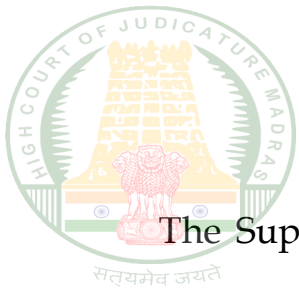
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i) the manner in which the investigation was conducted in Crime No.151 of 2024;

ii) the reasons for not filing the final report till date, despite the submission made before this Court on 30.10.2024 in Crl.OP(MD)No.18862 of 2024 that they had filed the final report; and

iii) the reason for preventing the petitioner from agitating her issue for the past several months, without filing the final report.

7. Accordingly, the Superintendent of Police has filed a status report dated 02.07.2025, that the investigation in Crime No.151 of 2024 was completed, and it was concluded that the petitioner's complaint was likely retaliatory to Crime No.150 of 2024. As no supporting evidence was found to support the petitioner's allegations, the case was recommended as "Mistake of Fact." The final report had been prepared but was mistakenly presumed to have been filed, due to an internal documentation lapse and miscommunication. The omission was later noticed, and the final report was filed before the Judicial Magistrate, Thirumangalam, on 24.06.2025.



The Superintendent of Police further stated that departmental action was initiated against the concerned Investigating Officer. It is further stated that a comprehensive district wide review of all final reports, which are yet to be taken on file, is being taken up and that necessary corrective measures are being instituted to prevent recurrence of such lapses.

8.This Court considered the submissions made by the respective parties and perused the materials placed on record.

9.It is important to note that this is the second round of litigation in respect of Crime No.151 of 2024. In the earlier round, while disposing of Crl.OP.(MD)No.18862 of 2024, this Court recorded the statement of the respondent police that the final report had been filed referring the case as “Mistake of Fact”. This statement has now been shown to be factually incorrect, since the final report was not at all filed before the Magistrate Court at that time. Such a misrepresentation, whether deliberately or inadvertently made, has misled this Court and obstructed the administration of justice. It must be condemned in strong terms. The



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respondent Department shall specifically address this lapse in the disciplinary proceedings already initiated against the erring officer / official.

10.Pendency of FIRs at the investigation stage itself affects the rights of both victims and accused. The victims are not able to see justice for the crime committed against them. The accused also suffer in view of pendency of such cases and they face difficulties in getting jobs, passports, police clearance, etc.

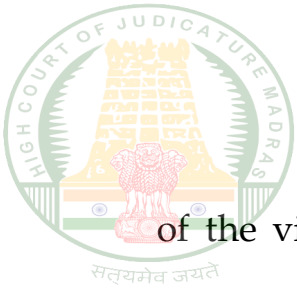
11.It is for this reason that a timeline has been framed under Section 167 of the Criminal Procedure Code that final reports have to be filed within 60 or 90 days. In the event final reports are filed, as necessitated under Section 167 CrPC, there is no need for the complainants to waste money in approaching the Court seeking directions for filing of final reports or conclude the investigation. It would also send a clear message to the accused not to indulge in any offences.



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12. However, this mandate is never complied with in any of the cases and the Courts are also not expecting strict compliance, since most of energy of the authorities is spent on Law and Order, providing bandopast, etc. Considering the manner in which the rights of victims is affected, the Hon'ble Supreme Court has passed an order to segregate Law and Order from investigation functions in *Prakash Singh and Others v. Union Of India And Others* [(2006) 8 SCC 1]. However, it has not been implemented in the strict sense.

13. It is important to note that in primitive societies, the responsibility of protecting oneself against crime and punishing the offenders rested with the individuals. As the society has got organised in the form of a state, it is the State which takes up the cause of the victims and prosecutes their case. The reason for the same is that the rule of law demands that any crime committed against a person is a crime against the whole of society. Hence, the obligation of the State is not an empty formality and our forefathers have framed the constitution hoping that the State would take up the cause



of the victims. The integrity of the State is at stake and the Government must realize this and take initiatives to correct this mistake.

14.It is to be noted that the victim has become the “forgotten man” in the criminal justice system and their interests are rarely considered by the authorities. The perspective of the victims involved needs to be considered in this issue. They must be recognized as rights-bearing participants and measures should be undertaken for their protection and participation in the criminal justice system.

15.The *Malimath Committee [2003 Committee on Reforms of the Criminal Justice System]* has noted the requirement to provide equal importance to the concerns of victims as those of the accused in the criminal justice system, in the following terms:-

“6.9.1 Victims of crime are important players in criminal justice administration both as complainant/informant and as witness for the police/prosecution. Despite the system being heavily dependent on the victim, criminal justice has been concerned with the offender and his interests almost subordinating or disregarding the interests of victim. In



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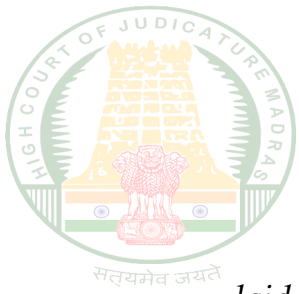
the civil law systems generally, the victims enjoyed a better status in administration of criminal justice. Towards the last quarter of the twentieth century, the common law world realized the adverse consequences arising from this inequitable situation and enacted laws giving rights of participation and compensation to the victims."

16. Similarly, the **Law Commission of India, in its 154th Report**, has emphasized on the need to consider the rights of the victims in the criminal justice system and the same is extracted as follows:

"Chapter-15:

1. ... Crimes often entail substantive harm to people and not merely symbolic harm to the social order. Consequently, the needs and rights of victims of crime should receive priority attention in the total response to crime. One recognized method of protection of victims is compensation to victims of crime. The needs of victims and their family are extensive and varied."

17. In **Rattiram & Others v. State of M.P [AIR 2012 SC 1485]**, a Full Bench of the Hon'ble Supreme Court emphasized on the concept of "Victimology" and held as follows:



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“50. ... The criminal jurisprudence, with the passage of time, has laid emphasis on victimology which fundamentally is a perception of a trial from the view point of the criminal as well as the victim. Both are viewed in the social context. The view of the victim is given due regard and respect in certain countries. In respect of certain offences in our existing criminal jurisprudence, the testimony of the victim is given paramount importance. Sometimes it is perceived that it is the duty of the court to see that the victim's right is protected.”

18.The practice of preparing and failing to forward the final report has been dealt with by a Division Bench of this Court in ***A.Vasanthi v. S.Jayakumar and Others*** [CMA.No.1960 of 2017, dated 15.12.2023] and the relevant observations are extracted as follows:-

*“13.As rightly contended by Mr.S.Arunkumar, provision is couched in a mandatory language and it imposes a statutory obligation on the Police Officer to forward the final report to the Magistrate concerned. **The consequence of the failure to forward the final report is an acquittal granted by the Police Officer himself without reference to Court. The criminal justice system does not contemplate such acquittal.** A final report which is prepared and not forwarded to a Magistrate, in our considered opinion, has no value and the same cannot be relied upon, as evidence, in any other proceeding.”*

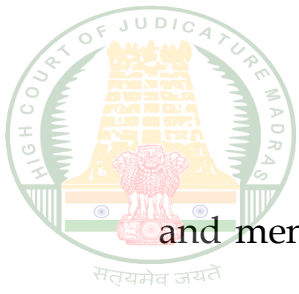


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19.Once the victim of a crime lodges a complaint with the authorities, they rely on the authorities to complete the investigation and file the final report so that the criminal proceedings take their natural course. Sadly, the authorities are not keeping the interests of the victims in mind and their suffering, as the cases are kept pending in investigation stage for years.

20.In the present case, while the final report (closure report) has now been filed, the petitioner was needlessly driven to approach this court twice to ensure compliance with a statutory duty on the part of the respondent police. Not once, but twice. The excuse of internal documentation lapse and miscommunication indicates the lack of follow up on the part of the officials to ensure that final reports are filed without delay.

21.In these circumstances, this Court finds it appropriate to direct the respondent department to pay a sum of Rs.10,000/- to the petitioner as costs. This Court has a duty not just to correct the procedural lapse, but provide some relief to the victim. This amount is awarded towards the pain



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and mental agony suffered by the petitioner due to the delay in filing the final report and also the litigation expenses in approaching this Court. The said sum shall be recovered from the officers responsible for the lapse so that such delays do not occur in the future.

22.Since the final report has now been filed, the petitioner is at liberty to contest the same by way of a protest petition. The departmental proceedings against the erring officials shall be taken to their logical conclusion.

The Criminal Original Petition is closed with the above observations.

Internet : Yes
gk

29.08.2025

To

- 1.The Superintendent of Police,
Dindigul District,
Dindigul.
- 2.The Inspector of Police,
Kannivadi Police Station,
Dindigul District.



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B.PUGALENDHI, J.

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

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