



CrlOP(MD)No.11451 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrlOP(MD)No.11451 of 2025

R.Irula Ganesh

... Petitioner

Vs.

1.The State rep by
the Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
[Crime No.77 of 2018]

2.A.Packiyam

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, directing the 1st respondent to complete the investigation and file the final report in Crime No.77 of 2018 pending on the file of the 1st respondent police within the time limit stipulated by this Court.

For Petitioner : Ms.P.Krishnaveni

For Respondent : Mr.P.Kottaichmay,
No.1 Government Advocate (Crl Side)



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ORDER

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The petitioner / A2 in crime No.77 of 2018 on the file of the Inspector of Police, Sayalkudi Police Station, Ramanathapuram has filed this petition seeking a direction to the 1st respondent police to complete the investigation and file the final report in Crime No.77 of 2018.

2.The grievance of the petitioner is that he is studying final year LLB in the Government Law College, Trichy. He has been falsely added as an accused in this case and the pendency of this case would affect his career.

3.The case in crime No.77 of 2018 was registered on 28.05.2018 on the complaint of defacto complainant one A.Packiyam. The defacto complainant claims that he was away from his house on 26.05.2018 along with his wife and daughter for his relatives marriage. When they returned home on 27.05.2018 they found his safe almirah broke open and jewels worth about Rs.1,18,000/- and cash Rs.85,000/- were stolen. He lodged a complaint on 28.05.2018 and the same was registered in Crime No.77 of 2018 for the offence under Sections 457 and 380 IPC.



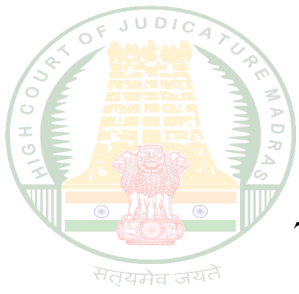
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Though the petitioner's name has not been mentioned in the FIR, he was subsequently added. He was arrested on 26.07.2018 and he was also released on bail in CrMP.No.4758 of 2018 on 30.08.2018. Since the petitioner is facing the criminal case, he has filed this petition seeking the above direction.

4.The learned Government Advocate (CrI Side) on instructions submits that the investigation in Crime No.77 of 2018 has already been completed and final report is also filed before the learned Judicial Magistrate, Kadaladi. However it is returned for certain defects. He further submits that due to inadvertence the final report is not re-presented and they undertake to re-present it within a period of two weeks.

5.This Court considered the rival submissions made.

6.Strangely the accused has approached this Court seeking a direction to the respondent police to file a final report. The police claim that the final report has already been filed, however, it is returned for certain defects.



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7.The Inspector General of Police (South Zone) has already issued circular with a check list in RC.No.12/Camp/S.Z/2020, dated 16.09.2020 (Circular No.4 of 2020) for filing final reports for different offences. Even thereafter the defective final reports are filed. Some courts are not taking the final reports immediately and in most of the cases the returned final reports are not re-presented. This is one such a case.

8.The issue has already been addressed by this Court in Cont.P(MD)No.728 of 2022 dated 20.06.2022, as under:

“3.Taking note of the submissions made by the Inspector General of Police, South Zone, I issue the following directions:

(I) As and when final reports are filed before the jurisdictional Courts, the concerned Court clerk will acknowledge receipt of the same by affixing seal with date and signature on the first page of the office copy of the final report.

(II) If such receipt is not given by the Court clerk, the concerned IO shall report to the Superintendent of Police of the concerned District within 24 hours. The Superintendent of Police shall in turn bring the same to the notice of the Principal District and Sessions Judge for remedial action. (III) Section 25(6) of the Criminal Rules



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of Practice, 2019 mandates that whenever final report is filed, even if it is defective, it shall not be returned for any reason whatsoever. If this mandate is breached, the same also shall be brought to the notice of the District Superintendent of Police by the concerned IO.”

9. Pursuant to the orders of this Court in CrIOP(MD)No.12481 of 2024 in CrIOP(MD)No.13345 of 2023, dated 17.12.2024, the Director General of Police has issued a Circular in Rc.No.005685-4/Crime 4(3)/2023, dated 20.01.2025, with regard to review of cases, which are not taken on file and also on the long pending cases. The relevant portion from the Circular is extracted as under:

“6) The Hon'ble High Court also stated that the role of the investigating agency would not halt by mere filing of final report alone. They have to ensure that the prosecution is conducted effectively.

7) Hence, the Commissioner of Police in Cities and Superintendent of Police in Districts / Special Units are instructed to review the pending NTF (Not Taken on File) cases within their jurisdiction during the monthly crime review meeting and the same shall be part of the review proceedings.

8) Subsequently, the Inspector General of Police in



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Zones, Commissioners of Police in Cities and Deputy Inspector General of Police in Ranges are instructed to pay special attention and review the NTF cases as part of their review.

9) All the above officers shall ensure that NTF category is removed completely and pending cases under this category shall be liquidated in a phased manner using e-filing of final reports facility available now, as already instructed.

10) The above instructions shall be strictly adhered to and any lapse shall be viewed seriously attracting severe departmental disciplinary action.”

10.The directions have already been issued and circulars have also been issued. However there is lapse in presenting the final reports. In this case the accused has approached this Court, but in several cases the voiceless victims, with hope, are waiting for years together for justice.

11.The delay occurs in completing the investigation. The delay also occurs in presenting the final reports. If a case registered for an offence is prosecuted for 5 or 10 years, the victim may loose the faith in the system and they may not prosecute the accused effectively. Though



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several circulars have been issued facilitating the police to file the final reports as per the check list provided, the final reports are filed with defects and when returned for certain defects, it is not rectified and re-presented for years together. Every police station is having a constable for looking after the court related works. He is supposed to follow-up the case from his police station and he can also very well follow-up the final reports. However there is no accountability and there is no proper follow-up. Circulars are in papers and it is not implemented in its letter and spirit.

12.It is incumbent upon the higher officials to ensure accountability among their subordinates and to supervise that the complaints are duly redressed at every stage commencing from investigation through filing of the final report and culminating in prosecution.

13.Insofar as the present case is concerned, recording the submission of the learned Government Advocate (Crl.side) that the final report would be re-presented within a period of two weeks from date, this Criminal Original Petition is closed with a direction to the learned



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Judicial Magistrate, Kadaladi to take the final report on file within a further period of four weeks from thereon. The respondent police shall take necessary steps and follow it up with the court for ensuring that the final report is taken on file.

08.07.2025

Internet: Yes
NCC: Yes/No

DSK

To

- 1.The Judicial Magistrate, Kadaladi.
- 2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Inspector General of Police (South Zone),



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B.PUGALENDHI,J

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