

Crl.OP(MD)No.12101 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.12101 of 2025

Ramachandra raja

: Petitioner

Vs.

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

2.The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
Cr.No.212 of 2016

: Respondents

PRAYER: Petition filed under Section 528 BNSS [482 CrPC] seeking a direction to the second respondent to file the final report in Crime No.212 of 2016 dated 22.07.2016 within a stipulated time limit.



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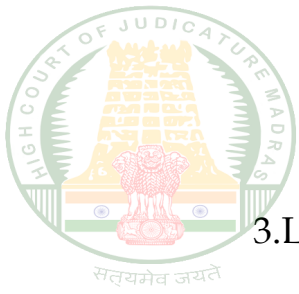
For Petitioner : Mr.M.Beema Rao

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

ORDER

The petitioner, who is the defacto complainant in Crime No.212 of 2016 on the file of Kannivadi 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 21.07.2016, at around 07.30 pm, at the instigation of one Kalimuthu, the accused persons have trespassed into his house and damaged the building with a JCB, causing damage to the tune of Rs.1,50,000/-. His grievance is that though the case was registered in Crime No.212 of 2016, for the offence u/s.147, 148, 457, 427 IPC, on 22.07.2016, the same is pending without any investigation. Therefore, he has filed this petition.



3.Learned Government Advocate, on the other hand, claimed that the investigation in Crime No.212 of 2016 has been completed and that the final report has been filed, through e-filing, on 06.07.2025.

4.Considering the manner in which a case registered in the year 2016 has been kept pending for the past nine years, this Court by order dated 18.07.2025, made some scathing observations as under:-

“3.It appears that the case in Cr.No.212 of 2016 has been registered for the offence under Sections 147, 148, 457, 427 IPC. In the event, investigation has been conducted, it could have been completed within one month. However, the respondent Police has not thought about the case for the past nine years, since the defacto complainant is a poor and ordinary man. This attitude of the respondent Police has to be changed. The persons who are responsible for the delay in filing the final report, has to be dealt with by the Superintendent of Police. The Superintendents of Police are also expected to monitor the investigation, at-least for old cases. There is no justification in filing final report, after a period of nine years. Therefore, this Court is of the view that a sum of Rs.25,000/- has to be paid by the Department to the defacto complainant as compensation for their slackness in filing the final report. The said amount may be recovered from the Officers concerned.”

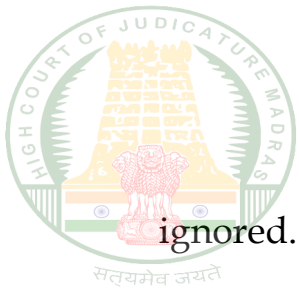


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5. Pursuant to the observations of this Court, dated 18.07.2025, the Superintendent of Police, Dindigul, has filed a report dated 29.07.2025. It appears that the investigation in Crime No.212 of 2016 had actually been completed and the final report was prepared as early as 01.01.2017. However, due to lapses on the part of the then Inspector of Police and Sub-Inspector of Kannivadi Police Station, the report was never 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 under Rule 3(a) of the Tamil Nadu Police Subordinate Service Rules, 1955, have been initiated against the concerned officers for dereliction of duty and negligence. 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. While these steps address the future and departmental accountability, the complainant's plight in the present case cannot be



ignored. Whoever the victim may be – an MLA, an MP, an IAS officer, or an ordinary citizen – he is ultimately dependent upon the police to investigate the crime committed upon him. For no fault of his, the petitioner / complainant has been made to wait nine years, not to see the crime committed upon him brought to justice, but merely for the final report to be taken on file by the Court.

7.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.

8.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.

9.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.

10.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.

11.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.

12.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



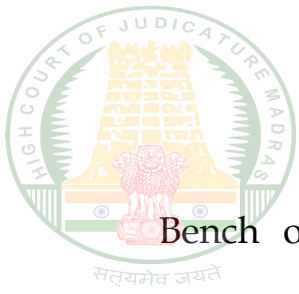
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administration both as complainant/informant and as witness for the police/prosecution. Despite the system being heavily dependent on the victim, criminal justice has been concerned with the offender and his interests almost subordinating or disregarding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

13. 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."

14. 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:

"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."

15.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."

16.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.

17.In the present case, the investigation was admittedly completed in January 2017, but the final report was filed only in 2025. Had this petition not been filed, there is little reason to believe that the FIR, registered way back in the year 2016, would not have seen any further progress. The case would have been left pending at the investigation itself as the petitioner is an ordinary person.

18.Considering the circumstances of the present case, this Court finds



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it appropriate to direct the respondent Department to pay a sum of Rs.15,000/- to the petitioner as costs. The victim can no longer remain as the “forgotten man” and this amount is awarded towards the pain and mental agony suffered by the petitioner due to the inordinate delay in filing the final report and also the litigation expenses in approaching this Court to secure a basic statutory act, i.e., the filing of the final report. The said sum shall be recovered from the officers responsible for the lapse so that such delays do not occur in the future. The departmental proceedings against the erring officials shall be taken to their logical conclusion.

19.Since the respondent Police have now filed the final report in Crime No.212 of 2016 before the Judicial Magistrate, Athoor, on 18.07.2025, and the matter has been taken on file as PRC No.5 of 2025 dated 21.07.2025, nothing further survives for consideration in this petition.

The Criminal Original Petition is accordingly closed with the above observations.

Internet : Yes
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29.08.2025



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B.PUGALENDHI, J.

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To

- 1.The Superintendent of Police,
Dindigul District,
Dindigul.
- 2.The Inspector of Police,
Kannivadi Police Station,
Dindigul District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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