



Crl.O.P.(MD)No.13128 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.08.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P(MD)No.13128 of 2025

Sargunam

.. Petitioner

versus

State rep. by
The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.
(in Crime No.43/2018)

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondent to conclude the investigation and to file the final report in Crime No.43 of 2016 on the file of the respondent police before the jurisdictional court within the stipulated period as stipulated by this court.

For Petitioner	: Mr.T.Kumar
For R1	: Mr.P.Kottaichamy Government Advocate (Crl. Side)



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ORDER

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This petition is filed seeking a direction to the respondent to conclude the investigation and to file the final report in Crime No.43 of 2016 on the file of the respondent police before the jurisdictional court within the stipulated time.

2. This court on 06.08.2025 passed the following order:

“The petitioner/the defacto complainant in Crime No.43 of 2016 has filed this petition that the respondent Police colluding with the accused is not conducting any investigation in Crime No.43 of 2016.

2. When this petition is taken up for hearing, the learned Government Advocate (Crl. Side) submits that the case has been closed as 'action dropped' on 01.05.2019 itself and final report has also been filed before the concerned Court. However, the learned Government Advocate (Crl. Side) is not having any document to substantiate as to whether the RCS notice has been served on the defacto complainant.

3. It appears that the case in Crime No.43 of 2016 has been closed as action dropped. But, the complainant has not been informed by the respondent Police. Further, the final report has also been filed



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before the concerned Judicial Magistrate Court. When the final report has been filed as 'action dropped', a duty is cast upon the concerned Judicial Magistrate to issue a notice to the defacto complainant enabling him to raise his objections if any to the final report. But, the concerned Judicial Magistrate Court has also failed in its duty by not issuing a notice to the defacto complainant based on the final report filed on 01.05.2019.

4. Considering the manner in which the case of the year 2016 has been closed and the complainant has not been informed by the respondent Police and also by the concerned Court, this Court directs the Deputy Superintendent of Police, Sathankulam, to look into this issue and file a report as to the reasons for not serving the RCS notice on the petitioner/defacto complainant in Crime No.43 of 2016.

5. For the report of the Deputy Superintendent of Police, post the matter on 13.08.2025 in the same position.”

3. In order to ascertain whether the RCS notice has been served and to verify the filing of the final report, this Court directed the Deputy Superintendent of Police, Sathankulam, to file a report before this Court.



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under:

The Deputy Superintendent of Police has accordingly filed a report as

“6. It is respectfully submitted that later on 11.11.2016 the accused namely Pradeep also died. Since, there is no forged general power of attorney created by the above said Pradeep and it was originally executed by the mother of the petitioner, and the above said Pradeep also died we have closed the case, as further action dropped, on 01.05.2019 before the Judicial Magistrate Court, Sathankulam.

7. It is respectfully submitted that the above said FIR was initially registered by one Special Sub Inspector of Police namely Thangeswaran and the investigation officer was the one Inspector namely Paul Raj who is retired now. The final report of the case was filed by the Inspector Namely Arul George Sahaya Santhi who is now working at All Women Police Station, Srivaikundam.

8. It is respectfully submitted that the RCS was not served to the petitioner nor submitted to the court. Later on 20.07.2025 I have issued a memo to the present Inspector namely R. Vanasundar who joined the station on 26.05.2025 and took the entire file and served the notice to the petitioner on 06.08.2025. On 07.08.2025, the case was e-filed vide No.LTN20220002595C202500178.”



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4. From the report of the Deputy Superintendent of Police, this Court is unable to ascertain whether the final report has in fact been filed. However, it is now stated that the final report was filed through e-filing on 07.08.2025 and that the RCS notice has also been served on the petitioner.

5. Since the final report has been filed and the RCS notice has also been served on the petitioner only recently, this petition is disposed of with liberty to the petitioner to file an objection or appropriate application before the concerned Judicial Magistrate Court.

6. The Registry is directed to mark a copy of this order to the Inspector General of Police, South Zone, Madurai, to issue necessary circulars to ensure that such incidents and irregularities are not repeated in any other police station.

13.08.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn



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To

- 1.The Inspector General of Police, South Zone, Madurai.
- 2.The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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