



Crl.M.P.(MD).No.12481 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Friday, the Sixteenth day of May Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD).No.12481 of 2024

in

Crl.O.P.(MD).No.13345 of 2023

1.Ashok

2.Dhanraj

3.Sathish Kumar

4.Suresh

5.Navaneethan

6.Balaji

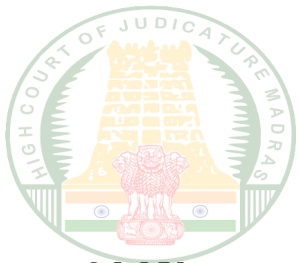
7.Periyasamy

8.Saravanan

Petitioners

Vs

1.State of Tamil Nadu,
Rep.by its Sub Inspector of Police,
M.Chathirapatti Police Station,
Madurai District.
Crime No.94 of 2012.



Crl.M.P.(MD).No.12481 of 2024

2.M.Kumaraguru

WEB COPY

3.The Director General of Police,(HoPF)
Chennai.
(R.3 suo-motu impleaded vide order
dated 17/12/2024)

Respondents

Prayer in Crl.M.P.(MD).No.12481 of 2024:

petition filed under section 482 of Cr.P.C., (528 BNSS) to recall the order passed in Crl.O.P.(MD).No.13345 of 2023 dated 21/06/2024.

Prayer in Crl.O.P.(MD).No.13345 of 2023:-

Petition filed under section 482 of Cr.P.C., to call for the records relating to the proceedings in F.I.R.No.94 of 2012, on the file of the Sub Inspector of Police, M.Chathirapatti Police Station, Madurai District, and quash the same.

ORDER:- This petition coming on for hearing on this day and upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.P.Jessi Jeeva Priya, Advocate for the Petitioners and of Mr.T.Senthil Kumar, Additional Public Prosecutor for the Respondents 1 and 3 ,this Court made the following order:

Crl.OP(MD)No.13345 of 2023 was filed by the petitioners / accused to quash the FIR pending against them in Crime No.94 of 2012 on the file of the M.Chathirapatti Police Station, Madurai. When the criminal original petition came



Crl.M.P.(MD).No.12481 of 2024

up for hearing on 21.06.2024, it was represented by the Police that they have completed the investigation, filed the final report and that the final report has been taken on file in PRC.No.7254 of 2023 on the file of the Judicial Magistrate No.V, Madurai. Recording the same, this Court, by order dated 21.06.2024, closed the criminal original petition, with liberty to the petitioners to challenge the final report, if so advised.

2.The petitioners have, thereafter, applied for issuance of certified copy of the final report before the Judicial Magistrate Court No.V, Madurai. The application was returned with an endorsement that final report was not filed. Therefore, the petitioners have moved this miscellaneous petition to recall the earlier order dated 21.06.2024 passed in Crl.OP(MD)No.13345 of 2023.

3.Learned Counsel for the petitioners submitted that a false representation has been made before this Court that a final report has been filed and taken on file in PRC.No.7254 of 2023. Whereas, no final report was filed and it was not taken on file, till date. Therefore, she prayed for appropriate orders.

4.Learned Additional Public Prosecutor, on instructions, submitted that they have, in fact, filed the final report on 11.07.2023 through e-filing in No.7254 of 2023. However, the filing number has been inadvertently mentioned as PRC number.



Crl.M.P.(MD).No.12481 of 2024

WEB COPY

5. On a query posed by this Court as to the present status of the final report, it is represented that the final report has been returned by the concerned Magistrate for certain defects. Thereafter, it has been filed before the Court of Judicial Magistrate No.V, Madurai, in PRC.No.575 of 2024 and committed to the Additional District Court, Madurai, in SC.No.48 of 2025.

6. The complainant in Crime No.94 of 2012 appears to be a Police Constable. The nature of complaint is that the accused persons have waylaid the police party, abused them and also attacked the police party as well as vehicle. This complaint was lodged on 11.12.2012. For a complaint lodged in the year 2012, the final report appears to have been filed in the year 2024, after eleven years and to be noted, the final report was not taken on file immediately for certain defects.

7. In fact, a learned Single Judge of this Court [Hon'ble Mr.Justice G.R.Swaminathan] has already faced this issue in a contempt petition in Cont.P (MD)No.728 of 2022 in Crl.OP(MD)No.29 of 2022. In that case, the criminal original petition, which was filed to quash the FIR, was closed on a representation that final report was filed. However, the final report was not filed before the concerned Court, which led to the filing of the contempt petition. In the contempt petition, the Hon'ble Judge *suo-motu* impleaded the then Inspector General of Police, South Zone, Madurai, took pains to correct the system and has passed series of orders. Because



Crl.M.P.(MD).No.12481 of 2024

of the orders passed therein, several final reports were taken on file, after following
WEB COPY
the due procedures. Some of the directions issued are extracted as under:-

(i) **Order dated 20.06.2022:-**

"3. ...

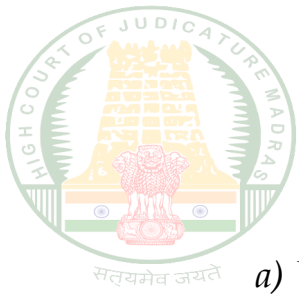
(I) *As and when final reports are filed before the jurisdictional Courts, the concerned Court clerk will acknowledge receipt of the same by affixing seal with date and signature on the first page of the office copy of the final report.*

(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 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."*

(ii) **Order dated 30.08.2022:-**

"7. ...



Crl.M.P.(MD).No.12481 of 2024

WEB COPY

a) *Whenever final reports are filed, the Court concerned shall acknowledge by giving CNR number. If the inability to give CNR number is due to any infrastructural deficiency, even while giving manual acknowledgement, the same will be brought to the notice of the concerned Principal District Judge for immediate remedial action by the concerned Court. The manual acknowledgements given so far must be expeditiously digitized. If manual acknowledgements are continued to be given, the District Superintendents of Police should address the concerned Principal District and Sessions Judges.*

b) *The Court concerned shall strictly adhere to Rule 25 of the Criminal Rules of Practice, 2019. If the final report is free of defects, the same shall be taken on file within three days. If there are defects, the concerned police will be duly notified. If the defects are not rectified by the police, action should be taken as per Rule 25(6). There should not be any undue delay in taking cognizance. If there is any non-compliance of this direction, the same must be expeditiously brought to the notice of the PDJs / CJMs by the concerned Superintendents of Police."*

(iii) Order dated 19.12.2022:-

"4.We are now slowly migrating to the digital age. Manual acknowledgment should be completely done away with. CNR system has to be



Crl.M.P.(MD).No.12481 of 2024

सत्यमेव जयते strictly followed hereafter. The Inspector General of Police, South Zone is directed
WEB COPY to file further status report regarding compliance of the directions now given."

8.Because of the continuous watch maintained by this Court together with the then Inspector General of Police, South Zone, Madurai, there was an order in the system.

9.Whoever high he may be, a victim of a crime is depending upon the investigation as well as the prosecuting agency for redressal of his / her grievance. The role of the investigation agency would not halt by mere filing of final report alone. They have to ensure that the prosecution is conducted effectively.

10.In pursuant to the earlier order of this Court 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



Crl.M.P.(MD).No.12481 of 2024

सत्यमेव जयते *that the prosecution is conducted effectively.*

WEB COPY

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 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."

11. This Court places its appreciation to the Director General of Police for the timely action in issuing the Circular. However, mere issuance of Circular alone would not serve the purpose. It has to be implemented in its *stricto senso*, by the Officers / Officials. Failure to follow the circulars / directions / instructions issued by the higher authorities should be dealt with by separate disciplinary proceedings.



Crl.M.P.(MD).No.12481 of 2024

Only then, the system would stand the test of time.

WEB COPY

Since the final report has now been filed and taken on file, with the above observations, this criminal miscellaneous petition stands disposed of.

Sd/-

ASSISTANT REGISTRAR (CS - III)

// True Copy //

/ /2025

Sub Assistant Registrar
(CS-I / II / III / IV)

Madurai Bench of Madras High Court,
Madurai.

TO.

1.The Sub Inspector of Police,
M.Chathirapatti Police Station,
Madurai District.

2.The Director General of Police,(HoPF)
Chennai.

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

+1cc to M/s.Jessi Jeeva Priya Advocate in S.R.No.30947



WEB COPY



Crl.M.P.(MD).No.12481 of 2024

ORDER DATED :16/05/2025

=====
ORDER
=====

Crl.M.P.(MD).No.12481 of 2024

in

Crl.O.P.(MD).No.13345 of 2023

AS - (10 .06.2025) 10P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.