



Crl.O.P.(MD)No.13491 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.08.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13491 of 2025

S.Venkatesh

.. Petitioner /defacto complainant

versus

The State of Tamil Nadu
Rep. by the Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
(crime No.228 of 2024)

...Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondent police to file final report in crime No.228 of 2024 on the file of the respondent police within a stipulated time that may be fixed by this court.

For Petitioner : Mr.J.Senthil Kumaraiah

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



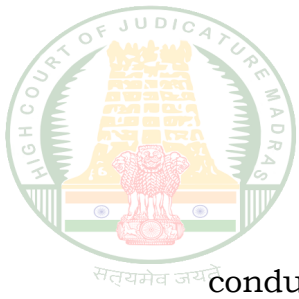
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ORDER

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The defacto complainant in crime No.228 of 2024 has filed this petition seeking a direction to the respondent police to conclude the investigation in the said case.

2. The learned counsel for the petitioner submits that the petitioner is the defacto complainant and that the accused is none other than his wife. It is stated that she went missing and, while leaving the house, had also taken away five sovereigns of the petitioner's gold ornaments. Hence, the petitioner lodged a complaint regarding the missing jewels before the respondent police on 18.07.2024, which was registered in Crime No.228 of 2024 for the offence under Section 303(ii) of BNS. The learned counsel for the petitioner further submits that the present application has been filed on the grievance that the respondent police have not conducted any investigation in Crime No.228 of 2024. He also submits that the petitioner had filed a Habeas Corpus Petition in HCP(MD)No.750 of 2024. Pursuant to the same, the petitioner's wife was produced before the Division Bench of this Court on 19.07.2024, and upon enquiry, she admitted that she had taken the five sovereign jewels from the house and handed them over to her grandparents. The grievance of the petitioner is that the respondent police have not



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conducted any enquiry with the grandparents to recover the jewels from the missing woman, and hence, he has filed this application.

3. The learned Government Advocate (Criminal Side) submits that, in this case, four witnesses have been examined and that a further period of two weeks is required to conclude the investigation and file the final report.

4. This court considered the rival submissions made.

5. The petitioner lodged a complaint, which was registered on 18.07.2024. It further appears that the petitioner had also filed a Habeas Corpus Petition, in which the detinue, viz., the petitioner's wife, was secured and produced before the Division Bench. The petitioner claims that before the Division Bench, she admitted that she had taken the jewels and that the same were with her grandparents. This statement was made in H.C.P.(MD)No.750 of 2024 on 19.07.2024. Even thereafter, the respondent police have not taken any steps to recover the jewels from her grandparents and conclude the investigation in Crime No.228 of 2024. Therefore, this Court is of the view that the respondent police have conducted the investigation in a lethargic manner.



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6. Accordingly, this petition is allowed with a direction to the Superintendent of Police, Thoothukudi District, to withdraw Crime No. 228 of 2024 from the file of the respondent police, verify the manner in which the investigation has been conducted, and entrust the case to some other sincere officer for further investigation. The Superintendent of Police shall also ensure that the final report is filed within a period of four weeks from today. In the event of any lapse on the part of the Investigating Officer, appropriate action shall be initiated against him, so as to ensure that such lapses in investigation are not repeated in respect of any other victim before the respondent police station.

12.08.2025

NCC : Yes/No

Index : Yes/No

Internet:Yes

skn

To

- 1.The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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