

Crl.O.P.(MD)No.13873 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.13873 of 2025

M.Pandiammal

... Petitioner

Vs

1.The State of Tamilnadu Rep.By,
The Superintendent of Police,
Ramanathapuram District.

2.The State of Tamilnadu Rep.By,
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District
(Cr.No.37 of 2025).

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to direct the second respondent to conduct re-investigation in S.T.C.No.65/2025 on the file of the Honble Judicial Magistrate Court, Kadaladi, Ramanathapuram District within a time frame as may be fixed by this Court.

For Petitioners : Mrs.N.Vijayalakshmi,
For R1 & R2 : Mr.P.Kottaichamy
Government Advocate (Crl. Side)

ORDER

The petitioner/defacto complainant in STC.No.65 of 2025,



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on the file of the Judicial Magistrate Court, Kadaladi, Ramanathapuram District, has filed this petition, seeking a direction to the respondent police to conduct re-investigation in Crime No.37 of 2025.

2.The learned counsel for the petitioner submits that the petitioner is a age old lady (70 years old) and she was brutally attacked by the accused in Crime No.37 of 2025. Therefore, She has lodged a complaint as against the two persons. However, the respondent police has deleted the second accused and filed a final report. The learned counsel further submits that they have not issued any intimation to this petitioner for deletion of A2. The petitioner has also not received any notice from the trial court with regard to the deletion of A2. Therefore, suspecting the manner, in which the investigation has been conducted by the respondent police and not informing about the deletion of the second accused, the petitioner has filed this petition.

3.Mr.P.Kottaichamy, learned Government Advocate (Crl. Side), who takes notice for the respondents submits that after investigation only, they have filed the final report as against the first accused. A2 is none other than the sister of A1 and she is a college



going student. she was unnecessarily added along with A1. After the investigation, the respondent police found that there is no role for the second accused in the commission of offence and therefore, they have deleted A2 from the final report. According to him, the final report has been taken on file by the learned Judicial Magistrate, Kadaladi and now pending in STC No. 65 of 2025.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.Admittedly, the case in Crime No.37 of 2025 was registered as against two persons, on the complaint of this petitioner, for the offence under Sections 296(b), 115(2) and 351(2) of BNS, 2023. On completion of investigation, the final report has been filed as against A1 and the same is pending in STC No.65 of 2025. The grievance of the petitioner is that without any intimation, the respondent police have deleted the second accused and filed the final report. She also claims that no intimation has been received from the Magistrate Court also. In the event, if any offence is omitted or any of the accused is omitted in the final report, in all fairness, the respondent



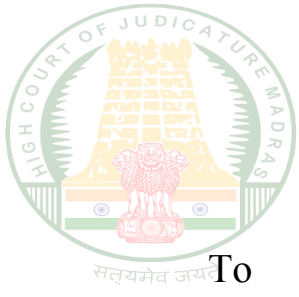
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police has to inform the same to the defacto complainant. As directed by the Honourable Supreme Court in ***Bhagwat Singh vs. Commissioner of Police and another***, reported in ***(1985) 2 SCC 537***, a duty is cast upon the learned Judicial Magistrate to issue a notice, whenever the final report has been filed deleting the accused. Therefore, this petitioner is having a remedy before the concerned Judicial Magistrate by filing an objection petition.

6.In view of the above, this Criminal Original Petition is disposed of, with a direction to this petitioner to file necessary application before the learned Judicial Magistrate, Kadaladi, Ramanathapuram, as against the final report filed by the respondent police deleting the second accused. The respondent Police is also directed to furnish a copy of the final report to this petitioner, enabling her to work out her remedy before the concerned Magistrate Court.

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NCC : Yes/No
Index : Yes/No
Internet:Yes
vrn



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Ramanathapuram District.
- 2.The Inspector of Police,
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B.PUGALENDHI, J.

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