

Crl OP(MD)No.14284 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : **29.08.2025**

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl OP(MD)No.14284 of 2025

Mohamed Hanifa

... Petitioner

versus

1.The State of Tamil Nadu rep by,
The Superintendent of Police,
Trichy District.

2.The State rep by,
The Inspector of Police,
Siruganur Police Station,
Trichy District.
[Crime No.17 of 2018]

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, directing the respondent No.2 to file the final report in Crime No.17 of 2018 on the file of the respondent No.2 police station within a time frame fixed by this court.

For Petitioner : Mr.A.Mohammed Rashid

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor



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ORDER

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The petitioner defacto complainant in Crime No.17 of 2018 has filed this petition seeking a direction to conclude the investigation and to file the final report within a stipulated time.

2.The learned Additional Public Prosecutor for the respondent police submits that investigation has been completed in the year 2019 itself, however, final report has not been filed.

3.This court considered the rival submissions.

4.The case has been registered in the year 2018, however, so far final report is not filed. The victims are depending upon the police, whoever they 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 for several years, not to see the crime committed upon him brought to justice, but merely for filing the final report.



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5. 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.

6. 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.

7. However, this mandate is never complied with in any of the cases and the Courts are also not expecting strict compliance, since



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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.

8.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.

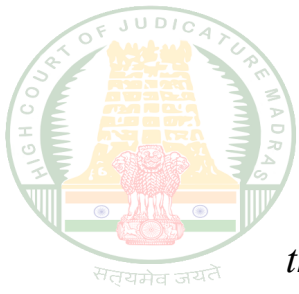


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9.It is to be noted that the victim has become the “forgotten man” in the criminal justice system and their interests are rarely considered by the authorities. The perspective of the victims involved needs to be considered in this issue. They must be recognized as rights-bearing participants and measures should be undertaken for their protection and participation in the criminal justice system.

10.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 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



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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.”

11. 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.”



12. 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."

13. 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:-



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“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.”**

14.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 bearing the interests of the victims in mind and their suffering, as the cases are kept pending in investigation stage for years.



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15. In the present case, it is reported that the investigation was completed in January 2019, but the final report is not filed so far, even after six years of the completion of the investigation.

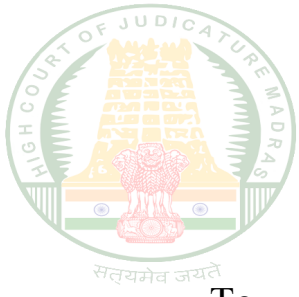
16. Considering the circumstances of the present case, this court finds it appropriate to direct the respondent Department to pay a sum of Rs.10,000/- (Rupees Ten Thousand) to the petitioner as cost. The victim can no longer remain as the “forgotten man” and this amount is awarded towards the pain and mental agony suffered by the petitioner due to non filing of the final report so far 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 recur.

17. The respondent police shall file the final report without any further delay. This petition is allowed accordingly.

29.08.2025

DSK

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To
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Trichy District.
- 2.The State rep by,
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Siruganur Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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