



Crl.OP(MD)No.22678 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.22678 of 2025

P.Karthikeyan

... Petitioner

Vs.

- 1.The Superintendent of Police,
Madurai, Madurai District.
- 2.The Deputy Superintendent of Police,
Samayanallur Division,
Madurai District.
- 3.The State of Tamil Nadu,
The Inspector of Police,
Sholavandhan Police Station,
Madurai District.

4.Kannan

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records pertaining to the closure report in C.S.R.No.796 of 2025 on the file of the third respondent set aside the same.

For Petitioner : Mr.B.Aboorvan



For R-1 to R-3 : Mr.S.Ravi
Additional Public Prosecutor

ORDER

Seeking to set aside the closure report in CSR.No.796 of 2025 filed by the third respondent, this Criminal Original Petition has been filed.

2. The learned counsel for the petitioner submitted that the petitioner's wife died on 26.08.2025 due to illness and funeral rites were conducted in his village, for which, the fourth respondent, who is the father of the deceased and other relatives attended. Thereafter, the petitioner came to know that 45 to 50 sovereigns of gold has gone missing. In this regard, the petitioner has given a complaint before the third respondent police on 27.10.2025, for which, the third respondent police failed to conduct a proper investigation, as a result of which, the petitioner has filed Crl.O.P(MD).No.21012 of 2025 seeking direction of this Court to conduct enquiry on the complaint made by him and upon hearing, this Court passed the favourable direction.



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3. Pursuant to the same, the third respondent police had conducted an enquiry, in which, the fourth respondent and his men had appeared and given an undertaking in writing that they will handover the property as acknowledged by them to the petitioner by securing the jewellery in a safety locker for the purpose of her granddaughter. Recording the same, the third respondent had closed the said complaint.

4. It is the grievance of the petitioner that despite the said undertaking, the fourth respondent has not come forward to arrange a safety locker and deposit the jewellery. Since the written undertaking was not complied with by the fourth respondent, the petitioner has filed this original petition challenging the closure report.

5. The learned Additional Public Prosecutor appearing for the respondent police categorically contended that direction given by this Court in Crl.O.P(MD).No.21012 of 2025 was duly complied by the third respondent police and respective parties were called for enquiry,



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in which, the fourth respondent had given a written undertaking to deposit the jewelry as acknowledged by him in a safety locker for the purpose of his granddaughter and only on that premise, the complaint lodged by the petitioner was closed. If at all the petitioner has any grievance for the said closure report, the remedy open to him to approach the competent jurisdictional criminal Court by way of filing an application under Section 173(8) Cr.P.C., and the petitioner cannot seek for setting aside impugned order, which is not judicial order. However, he had placed before me a writing given by the fourth respondent on 09.12.2025, in which, the fourth respondent had given an undertaking that he will immediately secure 21 sovereign of gold, which was handed over by his deceased daughter to him before her death, in a safety locker. However, the petitioner is not willing to secure 15 sovereign of gold jewelry, which is in his possession, in a safety locker.

6. Heard the learned counsel on either side and perused the records available.



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7. This is a strange case, where after the death of the petitioner's wife, the petitioner had lodged a complaint against his in-laws claiming that jewel of his wife has been stolen by her parents and relatives and enquiry conducted by the third respondent police would reveal that it has been admitted by the fourth respondent himself that he is in possession of 21 soveriegn of gold jewel belonging to the petitioner's wife, which was handed over to him before her death. However, he had given a written undetaking that he is ready to secure the said jewellery in a safety locker for the purpose of petitioner's daughter provided the petitioner is also coming forwarded to deposit 15 sovereign of gold jewel, which is in his possession, which is also not disputed by the petitioner.

8. I would like to make a point here to indicate that once the daughter is married, the father has no right over the jewel or any property belonging to his daughter, until and unless any dispute arises between the daughter and her husband. In the present case, the daughter



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of the fourth respondent had already passed away and it is the case of the fourth respondent that his deceased daughter had handed over 21 sovereign of jewel to him for safety custody and he is also ready to hand over the same in a safety locker for the purpose of petitioner's daughter and now, the petitioner had come forward to hand over 15 sovereign of the jewel belonging to his wife to be secured in a safety locker for the purpose of his daughter. Considering the same, I hereby direct both the petitioner as well as the fourth respondent to immediately avail a locker facility with the Indian Bank, High Court Campus, Uthangudi, Madurai, within one week from today (i.e., 10.12.2025) and the petitioner is directed to secure 15 sovereign of gold jewel which is in his custody in the safety locker and the fourth respondent is also directed to secure 21 sovereign of gold jewel in the safety locker. The safety locker shall be taken in the joint name of the petitioner and the fourth respondent. This Court makes it clear that the locker will be operated only after the minor daughter of the petitioner, namely, Sahana, aged about 10 years, attains her age of majority.



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9. With the above direction, this Criminal Original Petition is disposed of.

10.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Rmk

To

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Madurai District.
- 3.The Inspector of Police,
Sholavandhan Police Station,
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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Rmk

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