



CRL OP No. 5202 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 5202 of 2026
and CRL.MP. No.3948 of 2026**

- 1.Siva
- 2.Surya
- 3.Mahadevan
- 4.Rajeswari
- 5.Theyvanai Dhanabal

..Petitioner(s)

Vs

The State Rep by,
The Inspector of Police,
Kandamangalam Police Station,
Villupuram District.

..Respondent(s)

PRAYER: This Criminal Original Petition is filed under Section 528 of BNSS to set aside the docket order dated 27.03.2024 passed in CMP. No.1039 of 2022 on the file of the Judicial Magistrate, Additional Mahila Court, Villupuram (FTC) and allow the Criminal Original Petition.

For Petitioners:
For Respondent:

Mr.K.Sasindran
Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor



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ORDER

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The Criminal Original Petition has been filed to set aside the docket order dated 27.03.2024 passed in C.M.P. No.1039 of 2022 on the file of the Judicial Magistrate, Additional Mahila Court, Villupuram (FAC).

2. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent.

3. Considering the submissions made and upon perusal of the materials available on record, it is seen that initially a case was registered against the petitioners and one Ayyanar, who were arrayed as A1 to A6, for the offences under Sections 147, 294(b), 323, 342, 506(2), 109 IPC, and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, by the Kandamangalam Police Station, Villupuram. After completion of the investigation, the respondent police filed a charge sheet dated 31.12.2019, which was filed before the Trial Court on 12.10.2022. In the charge sheet, A2 to A6 were deleted, and reasons for such deletion were given in the deletion report submitted by the respondent police.



4. The learned Magistrate, on 05.12.2022, directed issuance of notice to the defacto complainant. Thereafter, the case was periodically adjourned to various dates for service of notice and for the appearance of the defacto complainant from the year 2022 to 2024. On 27.03.2024, the deletion report was considered and the Trial Court passed the following order:

"Accused deletion report filed by the police and notice issued to the defacto complainant. So far, no steps have been taken by the police. To comply with the long pending matter regarding the accused deletion report, a letter was sent to the Superintendent of Police, Villupuram, in D.No.194/2024 on 19.03.2024 as per the Criminal Rules of Practice, 2019, Chapter IV, Rule 25(6). Since no steps have been taken by the police, this Crl.M.P. is closed and may be taken as C.C. without deleting the accused."

Aggrieved by the same, the present Criminal Original Petition has been filed.

5. The contention of the learned counsel for the petitioners is that the Trial Court wrongly applied Rule 25(6) of the Criminal Rules of Practice, whereas the correct Rule applicable to the case would be Rule 26(4) of the Criminal Rules of Practice. Hence, the impugned order is liable to be set aside and the petitioners ought to be deleted from the list of accused.



6. The learned Additional Public Prosecutor submitted that merely quoting a wrong provision or Rule would not invalidate the entire order.

7. The sum and substance of the order indicates that notice had been issued to the defacto complainant since the Trial Court found the deletion report to be improper. Considering Rule 26(4) of the Criminal Rules of Practice, ample power has been given to the Trial Court to consider the final report by applying its independent mind and to take appropriate action in the case. The police have shown laxity in serving summons to the defacto complainant. Therefore, this Court directs the **Deputy Superintendent of Police, Vikravandi**, to ensure that notice is served upon the defacto complainant and to ascertain the status of the defacto complainant, and to report the same before the Trial Court without any delay, preferably within a period of three (3) weeks from the date of receipt of a copy of this order.

8. In view of the above, the impugned order dated 27.03.2024 is set aside, and the Trial Court, viz., the Judicial Magistrate, Additional Mahila Court, is directed to issue summons invoking Rule 26(4) of the Criminal Rules of Practice and thereafter, upon receiving the report, consider the case on merits



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and pass appropriate orders in accordance with law.

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9. With the above directions, this Criminal Original Petition is **allowed.**

Consequently, the connected Miscellaneous Petition is also closed.

10-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RKP

To

1. The Judicial Magistrate, Additional Mahila Court,
Villupuram (FTC).
2. The Deputy Superintendent of Police,
Vikravandi.
3. The Inspector of Police,
Kandamangalam Police Station,
Villupuram District.



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M.NIRMAL KUMAR, J.

RKP

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