



WEB COPY

CRL OP No. 6309 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 6309 of 2026

Pazhani

..Petitioner

Vs

State Rep. by
The Inspector of Police
Pudupettai Police Station,
Cuddalore District.
(Crime No. 76/2023)

..Respondent

Prayer: Criminal Original Petition filed under section 528 of BNSS to direct the respondent police to investigate the case in proper manner and file a final report in the Crime No. 76/2023 on the file of the Pudhupettai Police Station, Cuddalore District.

For Petitioner:
For Respondent:

Mr.Govintaraj Kannan
Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent police to investigate the case in a proper manner and to file a final report in Crime No. 76 of 2023 on the file of the respondent police.



2. The petitioner, as the complainant, had lodged a complaint against one Kanagaraj and Ragul and a case in Crime No.76 of 2023 was registered on 12.02.2023 for the offences under Sections 297(b), 323 and 506(2) IPC.

3. The contention of the petitioner is that after registration of the FIR, the petitioner came to know about the counter complaint given by A1 in this case. Crime No.77 of 2023 was registered for the offences under Sections 294(b), 323 and 506(2) IPC and in the said case, a charge sheet has been filed in C.C.No.301 of 2025, which is pending before the Judicial Magistrate, Panruti. Hence, the present petition.

4. The learned Additional Public Prosecutor appearing for the respondent today produced the RCS notice in Crime No.76 of 2023, showing that the notice had been served on the petitioner on 02.08.2023.

5. The learned counsel for the petitioner vehemently opposed the same, stating that no such notice was served. It is further submitted that the petitioner sustained injuries, took treatment in a Government hospital and the medical records have been produced. The respondent police have not followed the principle laid down by the Full Bench of this Court in ***T.Balaji v. The State rep., by The Inspector of Police, New Washermenpet Police Station, Chennai*** and have also not followed Police Standing Order 566.



6. The learned Additional Public Prosecutor on a specific query as to whether the closure report had been submitted before the Court below, had no answer.

7. From a perusal of the case in Crime No.76 of 2023, in which the petitioner is the defacto complainant and in Crime No.77 of 2023, in which the petitioner has been shown as A1, it is seen that the petitioner's complaint was lodged at an earlier point of time, both in respect of the occurrence as well as the reporting of the complaint. In all fairness, both cases ought to have been taken up for investigation together and thereafter, appropriate orders ought to have been passed in accordance with the Full Bench judgment.

8. In this case, admittedly, the charge sheet in Crime No.77 of 2023 has been filed later and the same has been taken on file as C.C.No.301 of 2025. However, the RCS Notice in Crime No.76 of 2023 dated 02.08.2023 is clearly in violation of the Full Bench judgment.

9. In view of the above, this Court set aside the closure report and direct the respondent police to conduct further investigation and to file a final report in this case. In the event of filing a closure report, appropriate notice shall be issued to the petitioner to enable him to file a protest petition.



10. Till such time, the trial in C.C.No.301 of 2025 shall remain stayed.

Thereafter, depending upon the outcome in Crime No.76 of 2023, if a positive report is filed, both cases shall be tried together. In the event of fugitive report, an opportunity to file protest petition to be given. Thereafter, Trial Court shall proceed with both cases following the Full Bench Judgment.

11. With the above directions, this Criminal Original Petition is disposed of.

25-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

AT

To:

1.The Inspector of Police
Pudupettai Police Station,
Cuddalore District.

2.The Public Prosecutor
High Court of Madras



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M.NIRMAL KUMAR, J.

AT

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