



CRL OP(MD). No.1386 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27/01/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

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Bagavathi

... Petitioner

Vs

The State of Tamil Nadu,
Rep By the Inspector of Police,
Mandapam,
Ramanathapuram District.
Cr.No.57 of 2025.

... Respondent

PRAYER :-

To direct the respondent herein to investigate the case in Cr.No.57 of 2025 dated 04.06.2025 and to file a final report before the concern court within a time frame fixed by this Court.

For Petitioner : Mr. D.Balamurugapandi,
Advocate.

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



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ORDER

Preface:

The advent of the Bharatiya Nyaya Sanhita, 2023 (BNS), the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and the Bharatiya Sakshya Adhiniyam, 2023 marks a constitutional transformation in India's criminal jurisprudence. For the first time since Independence, the criminal process has been consciously re-engineered to be victim-centric, citizen-responsive and justice-oriented, in contrast to the colonial enactments which were historically designed to subserve the interests of an imperial administration and to control its subjects.

2. The new Codes emphasise timeliness, transparency, accountability, and proportionality, recognising delay as a denial of justice. In particular, the BNSS, 2023, by codifying strict timelines for investigation in Section 193, ensures that the investigating agency cannot indefinitely keep the sword of uncertainty hanging over the head of an accused or allow victims to languish without closure. It is in this mandate of constitutional justice that the present petition deserves to be examined.



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3. This Criminal Original Petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the respondent police to file a final report with respect to Crime No.57 of 2025.

Submissions:

4. The learned counsel for the petitioner submits that though the FIR was registered on 04.06.2025, no final report has been filed till date. Such delay is contrary to the statutory mandate under Section 193 BNSS, which prescribes time-bound investigation. It is therefore prayed that necessary directions be issued.

5. The learned Government Advocate (Crl. side) submits that the investigation is in progress and the investigating officer shall abide by any timeline fixed by this Court.

6. Heard the learned counsels on either side and carefully perused the materials available on record.



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Analysis:

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7. The BNSS has introduced a strict regime of time-bound investigation, which reads as follows:

(i) Section 193(1) BNSS mandates that every investigation under this Sanhita shall be completed without unnecessary delay. (ii) Section 193(2) BNSS mandates that in relation to offences punishable with imprisonment of seven years or more, the investigation shall ordinarily be completed within ninety days; and in all other offences, within sixty days. (iii) Section 193(3) BNSS, mandates that if the investigation is not completed within the period prescribed, the investigating officer shall record the reasons in writing and intimate the Magistrate of such delay.

8. The statute therefore creates (i) a positive duty to complete investigation promptly; (ii) outer time limits; and (iii) a compulsory accountability mechanism for delay. These provisions are mandatory in nature and bind the investigating agency.



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9. In the case on hand, it is alleged in the complaint that though an application has been filed by the petitioner to survey the property, the land surveyor, Ramanathapuram has not come forward to survey the land and mark the boundaries. The petitioner has also given a representation on 10.07.2024 for survey, which has not yet been considered. Hence the complaint has been filed.

10. This Court notes that the FIR in the present case was registered on 04.06.2025 and the investigation has not culminated in a final report even after the lapse of the period as contemplated under Section 193(2) BNSS. No material is placed before this Court to show that the reasons for delay were recorded in writing or that the same was intimated to the jurisdictional Magistrate as required under Section 193(3) BNSS.

11. Such unexplained delay defeats the very purpose of the reformed statutory architecture, which mandates expeditious investigation so that the criminal process becomes an instrument of justice rather than a prolonged ordeal.



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12. Accordingly, this Court is inclined to issue appropriate directions.

13. In the light of the above statutory mandate and taking into account the facts and submissions, the following directions are issued:

(i) The respondent police is directed to complete the investigation in Crime No.57 of 2025 and file a final report before the jurisdictional Court within a period of three (3) months from the date of receipt of a copy of this order.

(ii) If for any legally acceptable reason the investigation cannot be completed within the above period, the investigating officer shall strictly comply with Section 193(3) BNSS by recording reasons in writing and placing the same before the jurisdictional Magistrate without fail.

(iii) The petitioner is at liberty to work out his remedies in accordance with law, if the above directions are not complied with.

Epilogue:

14. The BNSS, 2023 embodies a shift from a punitive colonial framework to a justice-centric democratic framework. Timely



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investigation is the first guarantee of fairness to both victim and accused.

This Court expects diligent adherence to statutory timelines by the investigating agency.

15. The Criminal Original Petition is accordingly disposed of with the above directions.

27.01.2026

NCC : yes / no
Index : yes / no
Internet : yes / no

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To

1. The Inspector of Police, Mandapam, Ramanathapuram District.
Cr.No.57 of 2025.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI, J

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