



CRL OP(MD). No.3364 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 18/02/2026

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THE HONOURABLE MRS. JUSTICE L. VICTORIA GOWRI

CRL OP(MD). No.3364 of 2026

Girija Devi

... Petitioner

Vs

1.The Superintendent of Police,
Crime Branch Criminal Investigation
Department (CBCID),
South Zone, No.220, Pantheon Road,
Egmore, Chennai - 600 008.

2.The Superintendent of Police,
Nagercoil, Kanyakumari District.

3.The Inspector of Police,
Nagercoil TIW Police Station,
Kanyakumari District.
(Crime No.44 of 2024)

4.The Inspector of Police,
Crime Branch Criminal Investigation
Department, (CBCID),
Nagercoil, Kanyakumari District.

... Respondents

PRAYER :-

To call for the records with regard to the Final Report in C.C.508 of 2024 on the file of the Judicial Magistrate -III, Nagercoil and set aside



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the same and consequently direct the 4th respondent to conduct further investigation in Crime No.44 of 2024 on the file of the third respondent and file a final report afresh within stipulated time as fixed by this Court.

For Petitioner : Mr.Aayiram K.Selvakumar

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to call for the records with regard to the Final Report in C.C.508 of 2024 on the file of the Judicial Magistrate -III, Nagercoil and set aside the same and consequently direct the 4th respondent to conduct further investigation in Crime No.44 of 2024 on the file of the third respondent and file a final report afresh within stipulated time as fixed by this Court.

2. Learned counsel for the petitioner submitted that the petitioner is the mother of one P.Mahendra Prasad, who had died on 30.04.2024 in a road accident, while travelling in an electric scooter along with his wife and their daughter and met with a road accident, in which an auto had hit



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the said vehicle resulting the death of the petitioner's son. However, his wife and child survived the accident with minor injuries, though the petitioner had no iota of doubt as against her daughter-in-law at the first instance, during the time of death of her son. Subsequently, incidence post death of her son had prompted certain reasonable suspicions in the mind of the petitioner who is a senior citizen. The deceased person is the petitioner's elder son. The petitioner herself had executed a settlement deed in favour of her deceased son with respect to a valuable property on 06.04.2022. The petitioner's son had mortgaged the property with Cholamandalam Finance for an amount of Rs.50,00,000/- on 02.03.2023. However, the petitioner was not aware of the purpose of the loan and who was benefited by the same. In the meanwhile, it is also revealed that the deceased son of the petitioner had executed an unregistered Will in favour of his wife on 13.04.2023 in which two strangers have stood as witnesses. The petitioner had also executed another settlement deed in favour of her son on 04.01.2024. Within a period of three months of the second settlement deed as executed by the petitioner, the purported accident had taken place on 13.04.2024. In the meanwhile release of mortgage to the tune of Rs.50,00,000/- from Cholamandalam Finance on



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13.09.2024 from the insurance covering the death of the petitioner's son is also brought to the notice of the petitioner. In this regard, the petitioner had already made a public notice in newspapers on 01.04.2025, not to purchase the property settled by her in favour of her son. In the interregnum, her daughter-in-law had executed a settlement deed dated 05.05.2025 in favour of her father Arjunan, based on the purported Will with respect to the property settled by the petitioner earlier on 06.04.2022. As all these sequences of events which had happened after the demise of the petitioner's son had created a reasonable suspicion in the mind of the petitioner. The petitioner's daughter in law's father namely Arjunan had sold a part of the property to one J.Milan Viyas on 21/5/2025. The said Arjunan has also executed Settlement deed in favour of the Petitioner's daughter-in-law again on 11/8/2025, which creates reasonable suspicion in the mind of the petitioner with respect to the death of her son. In this regard, she had given a complaint to the second respondent by way of registered post on 07.01.2026. However, the same was not properly responded by the second respondent police and the final report in the case, has also been laid before the learned trial Court without considering the petitioner's plight and hence sought for the



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indulgence of this Court by setting aside the final report and further direct the fourth respondent, to conduct further investigation in Crime No.44 of 2024.

3. However, the Learned Additional Public Prosecutor categorically contended that the date of death was on 30/4/2024. The FIR was registered in Crime No.44 of 2024 immediately and the investigation was concluded and the charge sheet was filed on 27/6/2024 and the same was taken cognizance by the Learned Judicial Magistrate No.3, Nagercoil, on the same year itself in C.C.No.508 of 2024. However, the petitioner had sent a representation on 07.01.2026 by way of a registered post. Pending criminal trial after filing a final report without the instance of the learned Judicial Magistrate, police cannot act upon the representation received from the petitioner and sought for dismissal of the Criminal Original Petition. The only way out for the petitioner is to approach the trial Court by filing a petition under Section 173(8) of Cr.P.C., / 193(9) of BNSS.

4. Heard either sides and perused the materials available on record.



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5. Considering the sequences of events as submitted by the learned counsel for the petitioner, this Court finds some force in the plight of the mother, who has lost her son in an unfateful accident. Hence, the petitioner is directed to file a petition under Section 173(8) Cr.P.C./Section 193(9) of BNSS before the learned Judicial Magistrate, Nagercoil, seeking further investigation in the pending C.C.No.508 of 2024 forthwith. If the same is in order, learned Judicial Magistrate is directed to dispose of the same at the first instance in accordance with the procedures under the Code and thereafter proceed with the trial.

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

18.02.2026

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

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- 5.The Judicial Magistrate -III,
Nagercoil.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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L. VICTORIA GOWRI,J

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