



Crl.OP(MD)No.2374 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.2374 of 2026

S.Murari

...Petitioner/A1

Vs.

1.The State of Tamil Nadu
rep., by the Sub-Inspector of Police,
South Thamaraiikulam Police Station,
Kanyakumari District.
Crime No.107 of 2022

2.Jeyanthi

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to issue direction to the learned Judicial Magistrate, Additional Mahila Court, Kanyakumari at Nagercoil, to take the charge sheet filed in Crime No.107 of 2022 on file and number the same, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Rajaguru

For R1 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



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ORDER

Seeking direction to the learned Judicial Magistrate, Additional Mahila Court, Kanyakumari at Nagercoil, to take the charge sheet filed in Crime No.107 of 2022 on file and number the same, this criminal original petition is filed.

2.The learned counsel for the petitioner submitted that based upon the complaint given by the second respondent, first information report was registered in Crime No.107 of 2022 on 20.05.2022 by the first respondent police against the petitioner and two others. On conclusion of investigation, the same culminated in filing a final report on 16.12.2022. However, the same was returned on 10.01.2023 by the jurisdictional Magistrate for rectifying certain defects. Thereafter, so far, the said defects were not rectified by the respondent police. Hence, the petitioner is before this Court.

3.It is unfortunate and unbecoming of the first respondent–Police that the defects pointed out by the jurisdictional Magistrate in the



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returned final report have not been rectified and represented, thereby preventing the learned Judicial Magistrate from taking cognizance of the same. In this regard, the first respondent–Police is directed to forthwith rectify the defects and re-submit the final report before the learned Judicial Magistrate, Additional Mahila Court, Kanyakumari, within a period of one week from the date of receipt of a copy of this order.

4.This is not the first case, where this Court is noticing such dereliction of duty on the part of investigating officers, who fails to represent the returned final reports forthwith after effecting the necessary defects and in the instant case, the case remains unrepresented before the Court since 10.01.2023 for nearly three years.

5.Having failed to rectify the aforesaid defects since 10.01.2023, the de facto complainant has been left without any effective remedy for more than two years. The Court finds it necessary that the dereliction of the duty on the part of the first respondent should be seriously taken into note and hence, the



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Superintendent of Police, Kanyakumari District, is directed to forthwith initiate the disciplinary action for the dereliction of duty on the part of the first respondent for not having represented the charge sheet, which was filed earlier on 16.12.2022 and for having kept the same without representing for the past more than three years and report after the initiation of disciplinary proceedings before this Court on 16.02.2026.

6.Post the matter on 16.02.2026.

06.02.2026

Rmk

NOTE : Issue order copy on 11.02.2026

To

- 1.The Judicial Magistrate,
Additional Mahila Court,
Kanyakumari at Nagercoil.
- 2.The Sub-Inspector of Police,
South Thamaraiikulam Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Superintendent of Police,
Nagercoil, Kanyakumari District.