



Crl.O.P(MD)No.3708 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.3708 of 2026

Swamy Dhas

... Petitioner/Defacto Complainant

Vs.

The Inspector of Police,
District Crime Branch Police Station (DCB),
Kanniyakumari,
Kanniyakumari District.
(Crime No.13/2023)

... Respondents/Complainant

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondent to conduct further investigation in respect of the FIR in Crime No.13 of 2023 pertaining to the final report pending on the file of the learned Judicial Magistrate No.I, Nagercoil and consequently to file fresh final report.

For Petitioner : Mr.J.Senthil Kumaraiah

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



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ORDER

Seeking further investigation with respect to the F.I.R in Crime No.13 of 2023 on the file of the respondent police, this criminal original petition is filed.

2. The learned Government Advocate(Crl.Side) submitted that earlier when Crime No.13 of 2023 was registered at the first instance, 9 persons were arrayed as accused. After conclusion of investigation, the name of four persons are deleted and three persons were added and final report was filed as against 8 persons. On receipt of the final report, the learned Judicial Magistrate No.I, Nagercoil had issued summons to the petitioner herein seeking objection, if any, with respect to the deletion of the two persons.

3. The learned counsel for the petitioner submitted that in the name of deletion, having impersonated the accused persons, final report has been filed. However, while filing final report, one Mohan @ Lawrence has been impersonated and added as accused. Though he is



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very much available in locality, till date, the respondent police neither arrested nor recovered the sale consideration. At the time of registration of sale deed, despite noticing the mismatch of aadhar ID with respect to Mohan @ Lawrence, negating the same, the Sub Registrar had proceeded to register the said sale deed and hence, the Sub Registrar ought to have been added as accused which has not been done by the Investigating Officer. Hence, it is necessary for further investigation.

4. The learned Government Advocate(Crl.Side) submitted that already the learned Judicial Magistrate No.I, Nagercoil in Crl.M.P.No. 1869 of 2025 on 30.01.2026 had issued notice to the petitioner herein to submit his objection, if any, with respect to the addition and deletion of the accused in final report. Whatever plight the petitioner submits before this Court could be very well addressed before the learned trial Court and sought for dismissal of the criminal original petition.

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



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6. A careful perusal of the materials available on record would make it clear that while filing final report, the respondent police has deleted few accused and had added few accused. It is also brought to the notice of this Court that the respondent police had not taken into account the dereliction of duty on the part of the Sub Registrar while registering the sale deed bearing Document Nos.2393 of 2022, 2394 of 2022 of Verkilambi Sub Registry. In this regard, the petitioner is directed to file a protest petition before the learned Judicial Magistrate No.I, Nagercoil and the respondent police is directed to further investigate the matter with respect to the dereliction of duty on the role of Sub Registrar played in registration of Document Nos.2393 of 2022, 2394 of 2022 of Verkilambi Sub Registry and file additional final report, if necessary.

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

20.02.2026

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



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To

- 1.The Inspector of Police,
District Crime Branch Police Station (DCB),
Kanniyakumari,
Kanniyakumari District.

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



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L.VICTORIA GOWRI, J.

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