

Crl.O.P.No.19180 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 15.07.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.19180 of 2025

S.H.Zarina Begum

... Petitioner

Vs.

The State Rep.by
Inspector of Police (Crime)
Choolaimedu Police Station,
Choolaimedu, Chennai – 94,
Crime No. 688 of 2018.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to transfer the investigation in Crime No.688 of 2018 pending on the file of the respondent Police to the CBCID Police or any other investigation agency.

For Petitioner : Mr.Mohammed Shafith

For Respondent : Mr.S.Vinoth Kumar

Government Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed seeking a direction to transfer the investigation in Crime No.688 of 2018, pending on the file of the respondent Police, to the CBCID or any other independent agency.

2. The petitioner is the defacto complainant, who lodged a complaint before the respondent Police alleging that certain valuable jewels had been stolen from her residence. Pursuant to the said complaint, the respondent Police registered a First Information Report in Crime No.688 of 2018 on 05.10.2018. However, according to the petitioner, the investigation has remained pending without any meaningful progress for several years. In such circumstances, the petitioner has approached this Court seeking a transfer of the investigation.

3. When the matter was taken up for hearing on 10.07.2025, the learned Government Advocate (Criminal Side), on instructions, submitted that the investigation had been completed and that the



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complaint had been closed by the respondent-police. It was further submitted that a closure report had been filed before the jurisdictional Magistrate on 05.07.2025. This submission came as a surprise to the Court, particularly in view of the fact that the FIR had been registered as early as 05.10.2018, and that there had been a long interregnum of nearly seven years during which no closure report was either filed before the Magistrate or communicated to the de facto complainant. It also came to light that the closure report was filed only after the issuance of notice in the present Criminal Original Petition and pursuant to the scrutiny of this Court.

4. In view of the belated disclosure and the inordinate delay involved, this Court, by order dated 10.07.2025, directed the learned Government Advocate to produce particulars regarding the list of Inspectors of Police who were in charge of Choolaimedu Police Station from the date of registration of the FIR till the filing of the closure report.

5. In compliance with the said direction, the learned Government Advocate has today furnished a list of the officers who served as



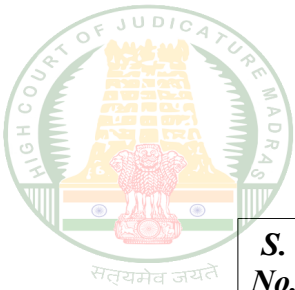
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Inspectors or Inspectors-in-charge of the Choolaimedu Police Station

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containing the details of the said officers is as follows:-

S. No.	Name	From	To	Present Serving Station
1.	Tr.S.Rajeesh Babu	25.04.2018	21.02.2019	EB Vigilance, Vellore
2.	Tr.A.Elangovan I/C	22.02.2019	27.02.2019	Retired
3.	Tmt.M.Chithra	28.02.2019	07.10.2019	Inspector of Police at Katpadi Railway Police Station
4.	Tr.G.Ananda Babu I/C	08.10.2019	29.01.2020	Inspector of Police R11 Ramapuram PS
5.	Tmt.Prasith Deepa	30.01.2020	26.03.2021	Inspector of Police Puzhal AWPS
6.	Tr.N.Ilangovan I/C	27.03.2021	31.03.2021	AC Royapettah
7.	Tr.Murugachalam	01.04.2021	31.08.2021	Coimbatore District
8.	Tr.Vetriselvan I/C	01.09.2021	30.12.2021	Inspector of Police at F2 Egmore Crime
9.	Tr.Karnan	31.12.2021	03.02.2024	DSP at Chennai Central Railway
10.	Tr.Boobalan I/C	04.02.2024	08.02.2024	Inspector of Police at M1 Madhavaram L & O PS
11.	Tr.D.Essakipandian I/C	09.02.2024	21.02.2024	Retired
12.	Tmt.Geetha	22.02.2024	05.07.2024	Inspector of Police at CCB Chennai



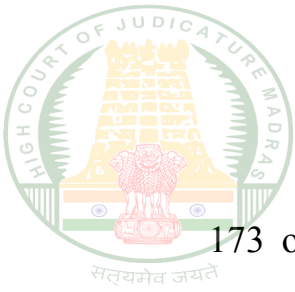
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S. No.	Name	From	To	Present Serving Station
13.	Tr.I.Sivakumar	05.07.2024	Continue	Inspector of Police at F5 Crime PS

It is submitted that Mr.A.Elangovan (Sl.No.2) and Mr.D.Essakipandian (Sl.No.11) are reported dead, and Mr.Vetriselvan (Sl.No.8) is stated to be on medical leave. The said list has been placed on record and perused.

6. On further inquiry, it has now been revealed that the complaint in question was in fact closed on 26.12.2022 by one Mr.Karnan, who was the officer in charge of the Choolaimedu Police Station from 31.12.2021 to 03.02.2024. However, though the investigation was concluded and a closure decision was taken in December 2022, no closure report was filed before the jurisdictional Magistrate as mandated under Section 173(2)(i) CrPC, nor was any intimation given to the complainant. In fact, the closure report was filed only recently on 05.07.2025, after the filing of the present petition and initiation of judicial proceedings.

7. It is to be noted that once an FIR is registered and the investigation is completed, the police are legally bound under Section



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173 of the Code of Criminal Procedure to file a final report whether

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recommending prosecution or closure before the jurisdictional

Magistrate or Special Court. At this juncture, it is useful to refer to the relevant provisions.

"173. Report of police officer on completion of investigation.

(1)Every investigation under this Chapter shall be completed without unnecessary delay.

[(1-A) The investigation in relation to [an offence under sections 376, 376A, 376AB, 376B, 376C, section 376D, section 376DA, section 376DB or section 376E of the Indian Penal Code shall be completed within two months.] *[Inserted by the Code of Criminal Procedure (Amendment) Act, 2008 (5 of 2009), Section 16 (a). from the date on which the information was recorded by the officer-in-charge of the police station.]*

(2)(i)As soon as it is completed, the officer-in-charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form prescribed by the State Government, stating -

(a)the names of the parties;

(b)the nature of the information;

(c)the names of the persons who appear to be acquainted with the circumstances of the case;

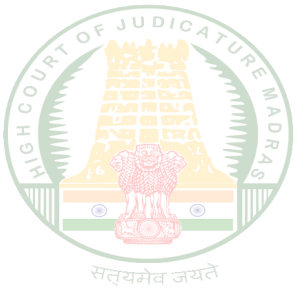
(d)whether any offence appears to have been committed and, if so, by whom;

(e)whether the accused has been arrested

; (f)whether he has been released on his bond and, if so, whether with or without sureties;

(g)whether he has been forwarded in custody under section 170.

(h)[Whether the report of medical examination of the woman has been attached where investigation relates to an offence under



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[Sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB] *[Inserted by the Code of Criminal Procedure (Amendment) Act, 2008 (5 of 2009), Section 16 (b).]* [or section 376E of the Indian Penal Code of the Indian Penal Code, 1860.] *[Substituted for the words "or 376D of the Indian Penal Code" by Criminal Law (Amendment) Act, 2013]*

(ii) The officer shall also communicate, in such manner as may be prescribed by the State Government, the action taken by him, to the person, if any, by whom the information relating to the commission of the offence was first given.

(3) Where a superior officer of police has been appointed under section 158, the report shall, in any case in which the State Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer-in-charge of the police station to make further investigation.

(4) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

(5) When such report is in respect of a case to which section 170 applies, the police officer shall forward to the Magistrate along with the report -

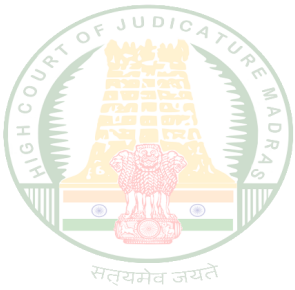
(a) all documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation;

(b) the statements recorded under section 161 of all the persons whom the prosecution proposes to examine as its witnesses.

(6) If the police officer is of opinion that any part of any such statement is not relevant to the subject-matter of the proceeding or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interest, he shall indicate that part of the statement and append a note requesting the Magistrate to exclude that part from the copies to be granted to the accused and stating his reasons for making such request.

(7) Where the police officer investigating the case finds it convenient so to do, he may furnish to the accused copies of all or any of the documents referred to in sub-section (5).

(8) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section



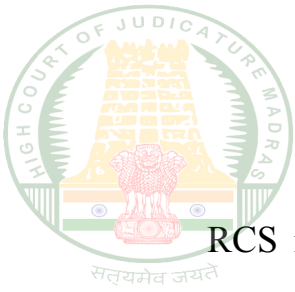
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(2) has been forwarded to the Magistrate and, where upon such investigation, the officer-in-charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-sections (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2)."

Section 173 of the Code of Criminal Procedure mandates that upon completion of the investigation, the Officer-in-Charge of the police station shall, without unnecessary delay, forward a final report to the Magistrate empowered to take cognizance of the offence. The report must contain specific particulars, including whether any offence appears to have been committed, by whom, and whether the accused has been arrested or released. Sub-section (2)(ii) further requires that the complainant be informed of the action taken. This statutory framework is designed to ensure transparency, accountability, and judicial oversight in criminal investigations. However, in the present case, the Investigating Officer failed to comply with these statutory obligations. Though the complaint was closed on 26.12.2022, no final report either recommending prosecution or seeking closure was filed before the jurisdictional Special Court until 05.07.2025, and that too only after notice was issued in the present Criminal Original Petition. Further, no

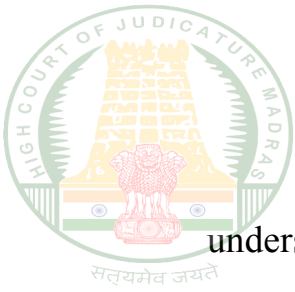


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RCS notice was served on the complainant as required under Section 173(2)(ii) CrPC. The failure to file a timely report and to inform the

complainant constitutes a serious procedural violation and reflects a grave dereliction of duty. It is particularly disturbing that an FIR registered as early as 2018 was closed internally in 2022 without any intimation to the complainant or submission of the final report to the Court for nearly three years. The inaction on the part of the officer who closed the complaint, as well as the indifference of the subsequent officers who failed to verify and rectify the lapse, demonstrates a clear disregard for the rule of law.

8. It is settled principle that filing of a final report under Section 173 of the Code of Criminal Procedure is not optional, but a mandatory statutory obligation. In ***Dablu Kujur v. State of Jharkhand, [Criminal Appeal No. 1511 of 2024 (@ SLP (Crl.) No. 2874 of 2023), decided on 12.03.2024]***, the Hon'ble Supreme Court highlighted serious deficiencies in the chargesheet submitted by the police in that case. The Court expressed concern over the absence of material particulars and specifics, deeming the chargesheet legally inadequate. The Hon'ble Supreme Court



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underscored that the police report submitted under Section 173(2) of the

Code of Criminal Procedure is a document of critical importance not

only for the prosecution, but equally for the defence and the Court. The

relevant portion of the said judgment is extracted hereunder:

"(7) The Police Report submitted by the police under Section 173(2) being very important piece of document from the view point of the prosecution, the defence and the court, we deem it necessary to elaborately deal with the various aspects involved in the said provision. For the reasons stated hereinafter, we are of the opinion that it is incumbent on the part of the Investigating Officer to strictly comply with the requirements of the said provisions, as non- compliance thereof gives rise to many legal issues in the court of law.

....

13. It may be noted that though there are various reports required to be submitted by the police in charge of the police station before, during and after the investigation as contemplated in Chapter XII of Cr.P.C., it is only the report forwarded by the police officer to the Magistrate under sub-section (2) of Section 173 Cr.P.C. that can form the basis for the competent court for taking cognizance thereupon. A chargesheet is nothing but a final report of the police officer under Section 173(2) of Cr.P.C. It is an opinion or intimation of the investigating officer to the concerned court that on the material collected during the course of investigation, an offence appears to have been committed by the particular person or persons, or that no offence appears to have been committed.

14. When such a Police Report concludes that an offence appears to have been committed by a particular person or persons, the



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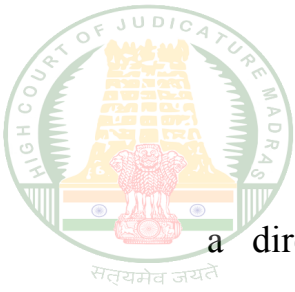


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Magistrate has three options: (i) he may accept the report and take cognizance of the offence and issue process, (ii) he may direct further investigation under sub-section (3) of Section 156 and require the police to make a further report, or (iii) he may disagree with the report and discharge the accused or drop the proceedings. If such Police Report concludes that no offence appears to have been committed, the Magistrate again has three options: (i) he may accept the report and drop the proceedings, or (ii) he may disagree with the report and taking the view that there is sufficient ground for proceeding further, take cognizance of the offence and issue process, or (iii) he may direct further investigation to be made by the police under sub-section (3) of Section 156."

Further, the Hon'ble Supreme Court, in ***Feran Singh v. State of Madhya Pradesh [Criminal Appeal No.838 of 2024, dated 13.02.2024]***, held that once an FIR is registered, it is mandatory for the investigating agency to file a report under Section 173(2) of the Code of Criminal Procedure before the concerned Court.

9. However, the procedure stipulated under the Act was not scrupulously followed. This Court also notes with serious concern that this is not an isolated case. In several recent instances, Investigating Officers have been closing complaints in a routine and mechanical manner, without filing any final report before the competent Court. In the present case, the closure report was filed only after this Court issued



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a direction and not before, although the decision to close the investigation was taken more than two years earlier. It must also be emphasized that had the petitioner not approached this Court, the inaction would have continued indefinitely, and the closure may have never been brought on record. This approach reflects a serious lapse in adherence to legal procedure and has resulted in the denial of justice to the affected parties.

10. In light of the above facts, it is evident that the investigation in Crime No.688 of 2018 has been mishandled with serious lapses. The officer who closed the investigation, Mr.Karnan, and the subsequent officers failed to comply with the statutory requirements. Their conduct reveals not only administrative neglect but also a serious breach of the legal process mandated by law. This Court is of the considered opinion that such dereliction of duty necessitates appropriate remedial action. It is, therefore, constrained to issue the following directions:-

(i) The Director General of Police, Chennai, is directed to place Mr.Karnan, Deputy Superintendent of Police, Chennai Central Railway, under suspension forthwith, for his failure to submit the closure report in time and for non-compliance with the mandatory procedure under



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Section 173 CrPC.

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(ii) The Director General of Police shall also initiate disciplinary proceedings against the officers mentioned in Sl.Nos.1, 3, 4, 5, 6, 7, 10, 12 and 13 of the list furnished before this Court, for their failure to review pending cases and to take necessary steps to submit the closure report or inform the complainant.

(iii) A comprehensive action taken report shall be filed before this Court on or before 14.08.2025, setting out the suspension, disciplinary measures initiated, and steps proposed to avoid such lapses in the future.

(iv) The Registry is directed to forward a copy of this order to the Director General of Police for immediate compliance.

(v) Post the matter on 14.08.2025 for filing of the action taken report.

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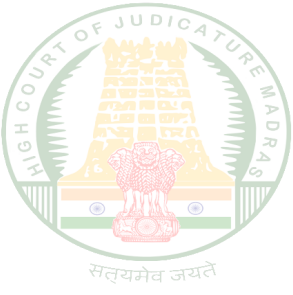
Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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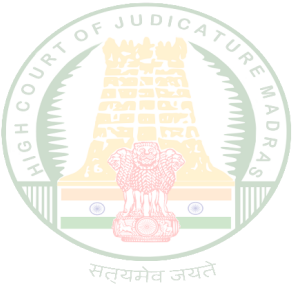


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To

1. The Director General of Police,
Chennai,
Tamil Nadu – 600 004.
2. The Inspector of Police,
Choolaimedu Police Station,
Choolaimedu, Chennai – 94.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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