BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 26.08.2025

PRONOUNCED ON : 25.11.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)Nos.10290, 10329, 10659, 11358, 12469, 12555 & 13002 of 2025

Crl.OP(MD)No.10290 of 2025:-

Vallikannu ... Petitioner

Vs

1.The District Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.
Cr.No.42/2022 ... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS seeking a direction to the respondent to conduct a fair investigation and file a final report in Crime No.42 of 2022 within a stipulated time limit.

For Petitioner : Mr.S.Vashik Ali

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

*****

Crl.OP(MD)No.10329 of 2025:-

B.Suja Sankari ... Petitioner

Vs

1.The Commissioner of Police,
O/o.Commissioner of Police,
Madurai City.

2.The Deputy Commissioner of Police (Crime),
O/o.Commissioner of Police,
Madurai City.

3.The Assistant Commissioner of Police (Crime),
O/o.Assistant Commissioner,
Thilagar Thidal,
Madurai City.

4.The Inspector of Police (Crime),
S.S.Colony Police Station,
Madurai City.
Cr.No.953/2015 ... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS seeking a direction to the first respondent to transfer the investigation in Crime No. 953 of 2015 from the file of the fourth respondent to some other investigation agency, based on the petitioner's representation dated 17.05.2025.

For Petitioner : Mr.D.S.Haroon Rasheed

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

*****

Crl.OP(MD)No.10659 of 2025:-

M.Thangamani ... Petitioner

Vs

1.State of Tamil Nadu,
Rep. by the Superintendent of Police,
O/o.Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District,
Ramanathapuram.
Cr.No.236/2023 ... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to transfer the investigation in Crime No.236 of 2023 from the file of the second respondent to any other competent authority.

For Petitioner : Mr.V.S.Kumara Guru

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

*****

Crl.OP(MD)No.11358 of 2025:-

Loganathan ... Petitioner

Vs

1.State of Tamil Nadu,
Rep. by the Superintendent of Police,
Karur District,
Karur.

2.The Inspector of Police,
Thanthonimalai Police Station,
Karur District.
Cr.No.657/2021 ... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to direct the second respondent to file the final report in Crime No.657 of 2021 within a stipulated time limit.

For Petitioner : Mr.S.Gokulraj

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

*****

Crl.OP(MD)No.12469 of 2025:-

Jeyaram ... Petitioner

Vs

1.The Director General of Police,
Mylapore,
Chennai – 600 004.

2.The Additional Director General of Police,
Crime Branch CID,
Pantheon Road, Egmore,
Chennai – 600 008.

3.The Commissioner of Police,
O/o.Commissioner of Police,
Madurai City, Madurai.

4.The Assistant Commissioner of Police,
O/o.Assistant Commissioner of Police,
Thilagar Thidal Range,
Madurai – 625 007.

5.The Inspector of Police,
Karimedu Police Station [Crime Branch],
Madurai City, Madurai.
Cr.No.850/2018 ... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to direct the respondents 3 to 5 to transfer the investigation in Crime No.850 of 2018 dated 28.10.2018 to some other investigation agency.

For Petitioner : Mr.Niranjan S.Kumar

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

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Crl.OP(MD)No.12555 of 2025:-

S.Vincent Amalanathan ... Petitioner

Vs

1.State of Tamil Nadu,
Rep. by the Superintendent of Police,
Sivagangai District, Sivagangai.

2.The Deputy Superintendent of Police,
Devakottai,
Sivagangai District.

3.The State of Tamil Nadu,
Rep. by the Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
Cr.No.424/2017 ... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to direct the first respondent to transfer the investigation in Crime No.424 of 2017 from the file of the third respondent to some other investigation agency and to file the final report within a stipulated time limit.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

*****

Crl.OP(MD)No.13002 of 2025:-

Chittu ... Petitioner

Vs

State of Tamil Nadu,
Rep. by the Inspector of Police,
Ponnamaravathi Police Station,
Pudukottai District.
Cr.No.87/2024 ... Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS to direct the respondent to expedite the investigation and to file the final report in Crime No.87 of 2024 within a stipulated time limit.

For Petitioner : Mr.S.Mahendrapathy

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

*****

COMMON ORDER

These batch of criminal original petitions have been filed by the respective petitioners seeking appropriate directions to the respondent police either to conduct further investigation, or to transfer the investigation to another agency, or to file the final report within a time frame fixed by this Court, in respect of cases which have been reported as "Undetected".

Crl.OP(MD)No.10290 of 2025:-

2.The petitioner is the *defacto* complainant in Crime No.42 of 2022 registered for the offences under Sections 380, 454 and 457 IPC on 03.06.2022. The petitioner, who resides at Karaikudi, had gone to attend a function at Pallathur and thereafter to Neyveli to stay with her husband, who was employed at NLC. On 01.06.2022, she was informed that her house had been broken open. Upon returning, she found that jewels weighing 67 sovereigns and cash of Rs.1,57,800/- were stolen.

3.It is the petitioner's grievance that despite production of CCTV footage showing five unidentified persons breaking into her residence, no meaningful investigation has been conducted and no final report has been filed even after more than three years.

4.Learned Additional Public Prosecutor submitted that the final report has been filed as "Undetected", as no usable fingerprints were obtained and that the suspects traced to Maharashtra could not be apprehended.

Crl.OP(MD)No.10329 of 2025:-

5.The petitioner is the *defacto* complainant in Crime No.953 of 2015 dated 10.11.2015 for the offences under Sections 380 and 457 IPC. The petitioner had locked her house on 09.11.2015 and upon return on the next day, found the grill gate broken and jewels and cash worth Rs.8,81,000/- stolen.

6.The petitioner contends that the fourth respondent Police did not investigate properly, despite a memorandum dated 03.12.2015 and reminder dated 11.05.2019 issued by superior officers pointing out serious

lapses. Nevertheless, a final report was filed as "Undetected" on 28.05.2022. It is alleged that the RCS notice was not served on her.

7.Learned Additional Public Prosecutor, upon verification, admitted that RCS notice was not in fact served on the petitioner.

Crl.OP(MD)No.10659 of 2025:-

8.The petitioner is a retired Chief Assistant Director of the Sivagangai Co-operative Administrative Centre. He and his wife had left for Bangalore on 28.07.2023. During their absence, their house was broken open and jewels worth Rs.15,30,500/- and cash Rs.40,000/- were stolen. Crime No. 236 of 2023 was registered for offences under Sections 380 and 457 IPC.

9.It is the petitioner's grievance that though he was initially informed of the arrest of a suspect, the person was later released and the real offenders have not been identified.

10.Learned Additional Public Prosecutor submitted that the final report has been filed as "Undetected" in RCS No.478 of 2025.

Crl.OP(MD)No.11358 of 2025:-

11.The petitioner is the *defacto* complainant in Crime No.657 of 2021 registered on 04.09.2021 for the offences under Sections 380 and 454 IPC. The petitioner had left his home in the morning and, upon returning in the evening, found that gold, silver ornaments and cash worth Rs.1,95,000/- had been stolen.

12.The petitioner contends that there has been no progress in investigation for over four years.

13.Learned Additional Public Prosecutor submitted that the investigation was completed and a final report has been filed as "Undetected", and that RCS notice was served on the complainant.

Crl.OP(MD)No.12469 of 2025:-

14.The petitioner is the *defacto* complainant in Crime No.850 of 2018 dated 28.12.2018 under Sections 380, 454 and 457 IPC. His house was broken open on 28.10.2018 when he had gone to the hospital to attend to his injured son. Around 17 sovereigns of gold were stolen.

15.The petitioner alleges that no effective investigation has been undertaken though seven years have passed.

16.Learned Additional Public Prosecutor submitted that a final report was filed as "Undetected" and RCS notice in RCS No.17 of 2020 was served on 31.01.2020, which the petitioner disputes.

Crl.OP(MD)No.12555 of 2025:-

17.The petitioner is the husband of the *defacto* complainant in Crime No.424 of 2017 dated 16.10.2017 under Sections 380 and 457 IPC. The petitioner, who is serving in the Army, was away on duty, and during that period his wife's house was broken open and ornaments worth Rs. 3,60,000/- was stolen.

18.It is alleged that despite representations dated 27.02.2024, no progress has been made.

19.Learned Additional Public Prosecutor submitted that the final report was filed as "Undetected" on 18.10.2024 and RCS notice was also served.

Crl.OP(MD)No.13002 of 2025:-

20.The petitioner is the *defacto* complainant in Crime No.87 of 2024 dated 08.06.2024 for the offence under Section 380 IPC. She had kept 87 sovereigns of gold ornaments in her loft on 13.09.2023, which she found missing on 25.10.2023. The FIR was registered based on her complaint forwarded through the learned Judicial Magistrate.

21.It is alleged by the petitioner that no effective investigation was conducted even after a year.

22.Learned Additional Public Prosecutor submitted that the final report has been filed as "Undetected" as the accused could not be identified.

23.This Court paid it's anxious consideration to the rival submissions made on either side and perused the materials placed on record.

24.The cases before this Court raise a larger question about the manner in which investigations into property offences are conducted and

the legal consequences of the State's failure to effectively discharge this responsibility. Though each case involves an individual complaint of theft or house-breaking, together they highlight a systemic concern — when the State, having assumed the exclusive authority to investigate and prosecute criminal offences, fails to identify the offender and closes the matter as "undetected", what becomes of the victim's right to justice?

25.The answer lies in understanding the evolution of the State's prosecutorial role. In the early stages of human civilisation, the enforcement of criminal law was a private affair. The responsibility of protecting oneself and avenging a wrong rested solely with the individual or the community. As society evolved into an organised political State governed by law, the power to investigate, prosecute and punish offences was taken away from private citizens and vested in the State. This transformation was not merely administrative, but moral and constitutional in nature. It embodied the principle that crime is not only an offence against an individual but also an offence against the peace and order of society.

26.Once this collective responsibility was assumed, the State became the guardian of public safety and the custodian of justice. Every First Information Report registered under the criminal law is, therefore, not a dispute between two private individuals but an assertion that the sovereign authority of law has been violated. The prosecution of offences in the name of the State is thus an acknowledgment of this constitutional arrangement — that it is the State's solemn duty to ensure that wrongdoers are identified and victims are not left remediless.

27.This duty of the State to investigate crimes effectively is not a matter of grace or convenience; it is an integral part of the constitutional guarantee under Article 21 of the Constitution of India. The right to life and personal liberty includes within its scope the right to live with dignity, security and protection of one's property. When an individual reports the commission of a cognizable offence, he is exercising his fundamental right to seek protection from the State. Correspondingly, the State has a non-delegable duty to respond through a fair, competent and diligent investigation.

28.The Hon'ble Supreme Court in ***H.N. Rishbud and Inder Singh v. State of Delhi*** [***AIR 1955 SC 196***], enumerated the five essential stages of investigation — proceeding to the spot, ascertainment of facts, discovery of the offender, collection of evidence, and formation of opinion for prosecution. Each of these stages is mandatory and integral. If any of them is omitted or handled perfunctorily, the entire process stands vitiated. An investigation that fails to progress beyond registration of the FIR or collection of a few statements cannot be said to satisfy the requirements of law.

29.Similarly, in ***Sharif Ahmad v. State of Uttar Pradesh*** [***2024 INSC 363***], the Hon'ble Supreme Court has observed that the purpose of investigation is to ascertain truth, identify the offender and collect evidence so that justice may be done. It was held that an investigation must be transparent and effective, since the administration of criminal justice begins, and often ends, at this stage. An ineffective investigation amounts to a denial of justice not only to the victim but also to society at large. The relevant portion is extracted as under:-

> *"26. The object and purpose of the police investigation is manyfold. It includes the need to ensure transparent and free*

investigation to ascertain the facts, examine whether or not an offence is committed, identify the offender if an offence is committed, and to lay before the court the evidence which has been collected, the truth and correctness of which is thereupon decided by the court."

30.In this backdrop, this Court has called for and perused the CD files in respect of the present cases. This Court's examination of the CD files in several of the present cases shows that investigation has not been conducted with the degree of diligence that the law demands. Critical steps such as examination of local witnesses, verification of ex-convict registers, use of forensic tools, and review of CCTV footage were either delayed or omitted altogether. In some cases, memoranda from supervisory officers pointing out these lapses were totally ignored. This pattern cannot be brushed aside as isolated inefficiency; it reflects institutional neglect.

31.Therefore, this Court called for a report from the State Machinery. Accordingly, a status report has been filed by the Assistant Inspector General of Police (High Court Cases Monitoring Cell), stating that a Committee headed by the ADGP, State Crime Records Bureau, was formed. The Committee recommended that before filing "Undetected" reports, all

investigative steps must be exhausted and the complainant must be informed. It further recommended continued monitoring of similar cases through weekly "Crime & Occurrence (C&O)" sheets and effective utilisation of the Register of Undetected Cases.

32.The status report further read that even after an "Undetected" report is filed before the Court, the investigating and supervisory officers must remain vigilant. If, during the course of future investigations, any person or criminal gang is apprehended and confesses to having committed similar offences, the investigating officer should immediately place such information before the court concerned and seek permission for further investigation.

33.The Full Bench of this Court in ***Chinnathambi @ Subramani v. State*** [***2017 (1) MWN (Cr) 471***], has already laid down that an "undetected" report cannot be treated as a final report under Section 173(2) of the Code of Criminal Procedure. Such a report does not bring the investigation to a close. It merely informs the Magistrate that, for the present, the offender has not been found. The investigation, in law, continues to remain open and must be resumed when fresh information is received. The Bench made

it clear that the Magistrate does not pass a judicial order accepting such a report; he merely records it. The relevant portion is extracted as under:-

> *"32. Thirdly, if the Investigating Officer, despite the earnest efforts taken, is unable to detect the crime, he will submit a report to the Magistrate stating that the crime is 'undetectable'. In such a case, it cannot be construed that the investigation has been completed. If once the investigation is completed, then only a report could be filed under Section 173(2) Cr.P.C. A report of this kind where the Police Officer states that the crime is undetectable, does not terminate the investigation and thus, the investigation is construed to be in progress. It is like an interim report not falling within the scope of Section 173(2) Cr.P.C. On receipt of such a report, the learned Magistrate does not pass a judicial order but, instead, he simply receives and records the same. There is absolutely no element of any adjudication. This order of the learned Magistrate is undoubtedly not a judicial order."*

Thus, the obligation of the police to continue investigation until the offender is brought to book is already a settled position of law.

34.It is encouraging to note that the Police Department has now acknowledged this continuing duty through the above recommendations and has institutionalised a mechanism for monitoring such cases. This acknowledgment deserves appreciation, as it ensures greater accountability and instills confidence in the system that no victim will be left without

pursuit of justice merely because the initial investigation could not yield results.

35.However, the issue before this Court does not end with the procedural compliance by the police. The question that necessarily arises is —what is the position of the victim when the offender remains untraced and the crime continues to remain undetected for years together? The obligation of the State is not confined to bringing the offender to justice. It also extends to ensuring that the victim, who has suffered loss or injury, receives appropriate relief. However, the status report is silent in this regard.

36.The Hon'ble Supreme Court in ***Rattiram and Others v. State of Madhya Pradesh*** [***AIR 2012 SC 1485***], emphasised the concept of "victimology" and recognised that criminal jurisprudence must evolve to protect victims as rights-bearing participants, not as silent spectators. The victim's expectation that the State will protect him, investigate the crime and restore his loss is a legitimate one arising out of Article 21. The relevant portion is extracted as under:-

"50. ... The criminal jurisprudence, with the passage of time, has laid emphasis on victimology which fundamentally is a perception of a trial from the view point of the criminal as well as the victim. Both are viewed in the social context. The view of the victim is given due regard and respect in certain countries. ..."

37.When that expectation is defeated due to failure of the State machinery, the victim's fundamental right to life and dignity stands infringed. The responsibility of the State does not end with registration of an FIR or filing of an "undetected" report. It continues until justice, in some form, is provided to the victim.

38.The Division Bench of the Orissa High Court in ***Abdul Rashid v. State of Orissa and Others***, [***2013 SCC OnLine Ori 493***], held that when the State fails to identify the accused or collect acceptable evidence to punish the guilty, the duty to give compensation remains. The Court reasoned that victims of crime have a legitimate expectation that the State will protect their rights and, when it fails to do so, it must compensate them for that failure. The relevant portion is extracted as under:-

"6. Question for consideration is whether the responsibility of the State ends merely by registering a case, conducting investigation and

initiating prosecution and whether apart from taking these steps, the State has further responsibility to the victim. Further question is whether the Court has legal duty to award compensation irrespective of conviction or acquittal. When the State fails to identify the accused or fails to collect and present acceptable evidence to punish the guilty, the duty to give compensation remains. Victim of a crime or his kith and kin have legitimate expectation that the State will punish the guilty and compensate the victim. There are systemic or other failures responsible for crime remaining unpunished which need to be addressed by improvement in quality and integrity of those who deal with investigation and prosecution, apart from improvement of infrastructure but punishment of guilty is not the only step in providing justice to victim. Victim expects a mechanism for rehabilitative measures, including monetary compensation. Such compensation has been directed to be paid in public law remedy with reference to Article 21. In numerous cases, to do justice to the victims, the Hon'ble Supreme Court has directed payment of monetary compensation as well as rehabilitative settlement where State or other authorities failed to protect the life and liberty of victims. ...

7. Expanding scope of Article 21 is not limited to providing compensation when the State or its functionaries are guilty of an act of commission but also to rehabilitate the victim or his family where crime is committed by an individual without any role of the State or its functionary."

39.Similarly, in ***Ankush Vhivaji Gaikwad v. State of Maharashtra*** [***(2013) 6 SCC 770***], the Hon'ble Supreme Court recognised that the shift towards a victim-centric justice system requires recognition of the victim's right to reparation and compensation. The Court observed that this marks a return to the ancient understanding that justice is not complete unless the harm suffered by the victim is acknowledged and remedied. The relevant portion is extracted as under:-

> *"33. The long line of judicial pronouncements of this Court recognised in no uncertain terms a paradigm shift in the approach towards victims of crimes who were held entitled to reparation, restitution or compensation for loss or injury suffered by them. This shift from retribution to restitution began in the mid 1960s and gained momentum in the decades that followed. Interestingly the clock appears to have come full circle by the law makers and courts going back in a great measure to what was in ancient times common place."*

40.In fact, the 154th Report of the Law Commission of India (1996) and the Malimath Committee on Reforms of the Criminal Justice System (2003) have both recommended that the State should provide compensation to victims of crime, especially in cases where offenders remain unidentified or unpunished. These recommendations flow from the constitutional

obligation of the State to secure justice and protect fundamental rights. The relevant portions are extracted as under:

Law Commission Report:-

> *"Chapter-15:*
>
> *1. ... Crimes often entail substantive harm to people and not merely symbolic harm to the social order. Consequently, the needs and rights of victims of crime should receive priority attention in the total response to crime. One recognized method of protection of victims is compensation to victims of crime. The needs of victims and their family are extensive and varied."*

Malimath Committee Report:-

> *"6.7.2 What happens to the right of victim to get justice to the harm suffered? Well, he can be satisfied if the state successfully gets the criminal punished to death, a prison sentence or fine. How does he get justice if the State does not succeed in so doing? Can he ask the State to compensate him for the injury? In principle, that should be the logical consequence in such a situation; but the State which makes the law absolves itself.*
>
> *... ... ...*
>
> *6.8.7 Sympathizing with the plight of victims under Criminal Justice administration and taking advantage of the obligation to do complete justice under the Indian Constitution in defense of human rights, the Supreme Court and High Courts in India have of late evolved the practice of awarding compensatory remedies not only in terms of*

money but also in terms of other appropriate reliefs and remedies. ...

6.8.8 These decisions have clearly acknowledged the need for compensating victims of violent crimes irrespective of the fact whether offenders are apprehended or punished. The principle invoked is the obligation of the state to protect basic rights and to deliver justice to victims of crimes fairly and quickly. It is time that the Criminal Justice System takes note of these principles of Indian Constitution and legislate on the subject suitably."

41.In ***Nilabati Behera v. State of Orissa and Others*** **[*(1993) 2 SCC 746*]**, the Hon'ble Supreme Court held that Courts have the power and obligation to grant compensation under Articles 32 and 226 of the Constitution for violation of fundamental rights due to State action or inaction. The Court described such compensation as a "public law remedy" distinct from private claims for damages, intended to assure citizens that they live under a legal system which protects their rights and provides redress for public wrongs. The relevant observation is extracted as under:-

"34.The public law proceedings serve a different purpose than the private law proceedings. The relief of monetary compensation, as exemplary damages, in proceedings under Article 32 by this Court or under Article 226 by the High Courts, for established infringement of the indefeasible right guaranteed under Article 21 of the Constitution is a remedy available in public law and is based on the strict liability for

contravention of the guaranteed basic and indefeasible rights of the citizen. The purpose of public law is not only to civilize public power but also to assure the citizen that they live under a legal system which aims to protect their interests and preserve their rights. Therefore, when the court molds the relief by granting "compensation" in proceedings under Article 32 or 226 of the Constitution seeking enforcement or protection of fundamental rights, it does so under the public law by way of penalising the wrongdoer and fixing the liability for the public wrong on the State which has failed in its public duty to protect the fundamental rights of the citizen. ... ... This Court and the High Courts, being the protectors of the civil liberties of the citizen, have not only the power and jurisdiction but also an obligation to grant relief in exercise of its jurisdiction under Articles 32 and 226 of the Constitution to the victim or the heir of the victim whose fundamental rights under Article 21 of the Constitution of India are established to have been flagrantly infringed by calling upon the State to repair the damage done by its officers to the fundamental rights of the citizen, notwithstanding the right of the citizen to the remedy by way of a civil suit or criminal proceedings."

42.This principle applies squarely to the present context. The State, having assumed exclusive control over investigation and prosecution, has correspondingly assumed responsibility for their failure. When citizens surrender the right of private retribution and repose faith in the rule of law,

the State undertakes to investigate crimes and secure justice on their behalf. If it fails in this basic duty, the resulting injury to the victim is an injury inflicted by the State itself.

43.The remedy for such failure cannot be confined to expressions of sympathy or directions for further investigation. The constitutional guarantee of life and liberty demands a real and effective remedy. Compensation awarded in public law serves not only to redress individual loss but also to affirm State accountability and restore faith in the justice system.

44.Therefore, when a crime remains "undetected" due to lapses or inaction of the investigating machinery, and the victim is left without recovery or closure for years, it constitutes a violation of Article 21. The Court, as guardian of fundamental rights, must step in to provide limited monetary relief as a measure of public law compensation. This power flows from the same constitutional foundation that empowers the State to prosecute offences in the name of the public. The object of such compensation is not to punish individual officers or to substitute civil damages, but to recognise the failure of the system as a whole and to

impose corrective responsibility upon the State. It also serves as a reminder that justice delayed or denied at the investigative stage is as grave a violation as any miscarriage at the trial stage.

45.Section 482 of the Code of Criminal Procedure saves the inherent power of the High Court, as a superior Court, to make such orders as are necessary (i) to prevent an abuse of the process of any Court; or (ii) otherwise to secure the ends of justice. In ***State of Punjab v. Kasturi Lal*** [***2004 (12) SCC 195***], the Hon'ble Supreme Court has held that Section 482 confers the inherent power to High Courts to do right and undo wrong and the relevant portions are extracted hereunder:-

> *"10.No legislative enactment dealing with procedure can provide for all cases that may possibly arise. Courts, therefore, have inherent powers apart from express provisions of law which are necessary for proper discharge of functions and duties imposed upon them by law. That is the doctrine which finds expression in the Section which merely recognizes and preserves inherent powers of the High Courts. All courts, whether civil or criminal possess, in the absence of any express provision, as inherent in their constitution, all such powers as are necessary to do the right and to undo a wrong in course of administration of justice."*

46.It is also pertinent to note that there is no prohibition on the exercise of the powers of this Court under Article 226 while dealing with matters under its criminal jurisdiction. In ***Pepsi Foods Ltd. and Another vs. Special Judicial Magistrate and Others*** [***(1998) 5 SCC 749***], the Hon'ble Supreme Court has held that the power of judicial review could very well be exercised by the High Courts when dealing with criminal matters along with its inherent powers under Section 482 CrPC and the relevant portions are extracted hereunder:-

> *"22. It is settled that the High Court can exercise its power of judicial review in criminal matters. In State of Haryana v. Bhajan Lal, this Court examined the extraordinary power under Article 226 of the Constitution and also the inherent powers under Section 482 of the Code which it said could be exercised by the High Court either to prevent abuse of the process of any court or otherwise to secure the ends of justice. While laying down certain guidelines where the court will exercise jurisdiction under these provisions, it was also stated that these guidelines could not be inflexible or laying rigid formulae to be followed by the courts. Exercise of such power would depend upon the facts and circumstances of each case but with the sole purpose to prevent abuse of the process of any court or otherwise to secure the ends of justice. ... ... The power conferred on the High Court under Articles 226 and 227 of the Constitution and under Section 482 of the Code have no limits but more the power more due care and caution is to be exercised while invoking these powers."*

47.Hence, this Court in exercise of the power of the judicial review under Article 226 and inherent jurisdiction under Section 482 CrPC can direct the payment of compensation so that the ends of justice is secured and the constitutional rights of the victims of crime are being protected.

48.It is in this constitutional backdrop that these petitions must be viewed. The victims in these cases have waited for years without any progress or information. Their stolen properties represent not only material loss but also a deep sense of helplessness against the machinery that was expected to protect them. The State, having failed in its duty to investigate and prosecute effectively, cannot now disclaim responsibility for the consequences of that failure.

49.The materials before this Court show that in each of these cases the investigation has been perfunctory and the petitioners, who are victims of theft, have been left without remedy. They have endured years of uncertainty and distress. The pattern of neglect disclosed in the records reveals failure of the State to perform its constitutional duty of protection.

50.This Court therefore holds that the petitioners are entitled to compensation and that systemic directions must be issued to prevent recurrence of such failures.

51.In view of the above discussion, the following directions are issued:-

i) The Home Department of the State shall pay monetary compensation equivalent to 30% of the value of the property reported stolen in each of these cases to the respective petitioners within twelve weeks from the date of receipt of this order.

ii) This payment shall be recoverable from the petitioners if the offender is subsequently identified and the property recovered.

iii) The Director General of Police shall implement the recommendations of the Committee headed by the ADGP, State Crime Records Bureau, Chennai, particularly:

a) Intimation to the complainant before filing any *undetected* report;

b) Strict use of weekly "Crime and Occurrence (C&O)" sheets for information sharing; and

c) Maintenance and analysis of the Register of Undetected Cases under PSO 608(d).

iv) The State Crime Records Bureau shall review undetected cases on a quarterly basis to identify trends and issue advisories to field units.

v) The Director General of Police shall issue a circular reaffirming that filing an *undetected* report does not terminate investigation and that such cases must be periodically reviewed.

vi) The Director General of Police (Training) shall design refresher courses for investigating officers on evidence preservation, forensic procedures and victim communication.

vii) Further, the State can also consider setting up of a Special Investigation Team of experts in each District by picking and choosing eminent officers in order to investigate cases classified as "undetected" for more than 5 years. This Team must be provided with more infrastructure, more powers and also more pay. On the identification of the accused, the State can consider rewarding the officers involved to encourage them.

49.Insofar as the individual relief sought for by the petitioners is concerned, the Investigating Officer concerned shall pursue the investigation with due diligence. It is open to the supervisory authorities to review the progress of investigation, and, if circumstances so warrant, to

entrust the matter to a higher or specialised agency for proper and effective investigation.

With the above observations and directions, all these criminal original petitions stand disposed of.

NCC : Yes/No **25.11.2025**
Index : Yes/No
Internet : Yes
gk

Note:-

Registry is directed to mark a copy of this order to

a) The Secretary to Government,
Home Department,
Secretariat, Chennai.

b) The Director General of Police [HoPF],
Chennai.

c) The Director General of Police [Training],
Tamil Nadu Police Academy,
Chennai.

To

1.The Director General of Police,
Mylapore,
Chennai – 600 004.

2.The Additional Director General of Police,
Crime Branch CID,
Pantheon Road, Egmore,
Chennai – 600 008.

3.The Commissioner of Police,
Madurai City.

4.The Deputy Commissioner of Police (Crime),
Madurai City.

5.The Superintendent of Police,
Ramanathapuram District.

6.The Superintendent of Police,
Karur District, Karur.

7.The Superintendent of Police,
Sivagangai District, Sivagangai.

8.The Assistant Commissioner of Police (Crime),
Thilagar Thidal,
Madurai City.

9.The Assistant Commissioner of Police,
Thilagar Thidal Range,
Madurai – 625 007.

10.The District Superintendent of Police,
Sivagangai District.

11.The Deputy Superintendent of Police,
Devakottai,
Sivagangai District.

12.The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.

13.The Inspector of Police (Crime),
S.S.Colony Police Station,
Madurai City.

14.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District,
Ramanathapuram.

15.The Inspector of Police,
Thanthonimalai Police Station,
Karur District.

16.The Inspector of Police,
Karimedu Police Station [Crime Branch],
Madurai City, Madurai.

17.The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.

18.The Inspector of Police,
Ponnamaravathi Police Station,
Pudukottai District.

B.PUGALENDHI,J.,

gk

Crl.OP(MD)Nos.10290, 10329, 10659, 11358, 12469, 12555 & 13002 of 2025

25.11.2025