

Crl.O.P.(MD) No.982 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.12.2025

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THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD) No.982 of 2025

Pushpavalli @ Pushbam

... Petitioner

Vs.

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

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

3.The State of Tamil Nadu rep. by
The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District.
(Crime No.17 of 2024)

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of Bharathiya Nagarik Suraksha Sanhita, 2023 to direct the second and third respondents to file a final report in Crime No.17 of 2024 on the file of the second and third respondents within a time frame fixed by this Court.

For Petitioner : Mr.Kumaravel



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For Respondents : Mr.M.Sakthivel
Government Advocate (Crl. Side)

ORDER

Preface :

The advent of the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Bharatiya Sakshya Adhiniyam, 2023 marks a constitutional transformation in India's criminal jurisprudence. For the first time since Independence, the criminal process has been consciously re-engineered to be victim-centric, citizen-responsive and justice-oriented, in contrast to the colonial enactments which were historically designed to subserve the interests of an imperial administration and to control its subjects.

2. The new Codes emphasise timeliness, transparency, accountability, and proportionality, recognising delay as a denial of justice. In particular, the BNSS, 2023, by codifying strict timelines for investigation in Section 193, ensures that the investigating agency cannot indefinitely keep the sword of uncertainty hanging over the head of an accused or allow victims to languish without closure. It is in this mandate of constitutional justice that the present petition deserves to be examined.



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3. Seeking a direction to the third respondent to file the final report in Crime No.17 of 2024 within the time frame fixed by this Court, this Criminal Original Petition is filed.

Facts of the case :

4. It is a case of murder. The FIR was registered on 11.01.2024 for the murder committed on 08.01.2024. In this case, the petitioner had already filed Crl.O.P.(MD) No.5992 of 2024 for transfer of the investigation. By order dated 10.07.2024, this Court directed the Superintendent of Police, Sivagangai District, to form a proper team, monitor the investigation, and ensure that the culprits are found. The Superintendent of Police has already filed detailed reports regarding the current status of the case before this Court.

Analysis :

5. The BNSS has introduced a strict regime of time-bound investigation, which reads as follows:

(i) Section 193(1) BNSS mandates that every investigation under this Sanhita shall be completed without unnecessary delay.



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(ii) Section 193(2) BNSS mandates that in relation to offences punishable with imprisonment of seven years or more, the investigation shall ordinarily be completed within ninety days; and in all other offences, within sixty days.

(iii) Section 193(3) BNSS, mandates that if the investigation is not completed within the period prescribed, the investigating officer shall record the reasons in writing and intimate the Magistrate of such delay.

6. The statute therefore creates (i) a positive duty to complete investigation promptly; (ii) outer time limits; and (iii) a compulsory accountability mechanism for delay. These provisions are mandatory in nature and bind the investigating agency.

7. This Court notes that the FIR in the present case was registered on 11.01.2024 and the investigation has not culminated in a final report even after the lapse of the period contemplated under Section 193(2) BNSS. No material is placed before this Court to show that the reasons for delay were recorded in writing or that the same was intimated to the jurisdictional Magistrate as required under Section 193(3) BNSS.



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8. Such unexplained delay defeats the very purpose of the reformed statutory architecture, which mandates expeditious investigation so that the criminal process becomes an instrument of justice rather than a prolonged ordeal.

9. Accordingly, this Court is inclined to issue appropriate directions.

10. In the light of the above statutory mandate and taking into account the facts and submissions, the following directions are issued:

(i) The respondents police are directed to complete the investigation in Crime No.17 of 2024 and file a final report before the jurisdictional Court within a period of four (4) weeks from the date of receipt of a copy of this order.

(ii) If for any legally acceptable reason the investigation cannot be completed within the above period, the investigating officer shall strictly comply with Section 193(3) BNSS by recording reasons in writing and placing the same before the jurisdictional Magistrate without fail.



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(iii) The petitioner is at liberty to work out his remedies in accordance with law if the above directions are not complied with.

Epilogue :

11. The BNSS, 2023 embodies a shift from a punitive colonial framework to a justice-centric democratic framework. Timely investigation is the first guarantee of fairness to both victim and accused. This Court expects diligent adherence to statutory timelines by the investigating agency.

12. The Criminal Original Petition is accordingly disposed of with the above directions.

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Index : Yes

Internet : Yes

Neutral Citation : Yes

Speaking Order / Non-Speaking Order

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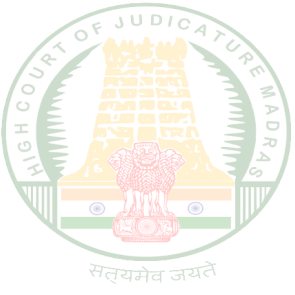
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- 2.The Deputy Superintendent of Police,
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- 3.The Inspector of Police,
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Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

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