

Crl.O.P.NOs.16882, 21404, 18139 & 20852 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on	21/07 /2025 31/07 /2025 and 25/07/ 2025	Crl.O.P.No.16882 of 2025 Crl.O.P.No.21404 of 2025 and Crl.O.P.No.18139 of 2025 Crl.O.P.No. 20852 of 2025
Delivered on	01 / 08 / 2025	

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.Nos.16882 & 21404 of 2025
and
Crl.O.P.Nos.18139 & 20852 of 2025

Crl.O.P.No.16882 of 2025

A.Paulraj

... Petitioner

Vs.

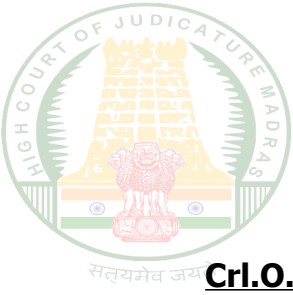
State by,
The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai District.
(Crime No.359 of 2022)

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of the BNSS, to direct the learned V Metropolitan Magistrate, Egmore to take on the file the charge sheet filed by the respondent Police on 10.02.2024 in E-filing No.C202400037 within a time frame manner.

For Petitioner : Mr.G.Balamanikandan

For Respondent : Dr.C.E.Pratap
Government Advocate (Criminal Side)
* * *



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Crl.O.P.No.21404 of 2025

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M.Manikandan

... Petitioner

Vs.

State by,
The Inspector of Police,
CCB Police Station,
Tambaram.

... Respondent

Prayer: Criminal Original Petition is filed under Section 528 of the BNSS, to direct the learned Judicial Magistrate No.I, Tambaram to take on the file the charge sheet filed by the respondent Police on 11.05.2024 within the stipulated time fixed by this Court.

For Petitioner : Mr.Ravindra Ram

For Respondent : Dr.C.E.Pratap
Government Advocate (Criminal Side)
* * *

Crl.O.P.No.18139 of 2025

Jamuna Sivalingam

... Petitioner

Vs.

1. State by,
The Inspector of Police (Law and Order),
J-8, Neelankarai Police Station, Chennai.

2.Mr.V.Rajarajacholan

... Respondents



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Prayer: Criminal Original Petition is filed under Section 528 of the BNSS, to direct the first respondent to execute the Non-Bailable Warrant issued by the Metropolitan Magistrate, Fast Track Court-I, Allikulam against the second respondent in S.T.C.No.9639 of 2024, dated 18.12.2024.

For Petitioner : Mr.J.N.Naresh Kumar

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Criminal Side)

* * *

Crl.O.P.No.20852 of 2025

S.Senthilvel

... Petitioner

Vs.

1. The State Represented by:
The Inspector of Police,
H-8 Police Station,
Nagamalai, Pudukottai.
Madurai District.

2.K.Nagendiran

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of the BNSS, to direct the first respondent to execute the Non-Bailable Warrant issued against the second respondent herein in S.T.C.No.914 of 2018, pending on the file of the learned Judicial Magistrate No.V, Salem.

For Petitioner : Mr.K.R.Samratt

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Criminal Side)



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COMMON ORDER

This Court, with deep regret, is constrained to state that when police and judicial authorities act arbitrarily and fail to adhere to the rule of law, including binding precedents of the Hon'ble Supreme Court and the circulars issued by this Court, such conduct is not merely unlawful but reflects a serious erosion of institutional discipline and respect for judicial norms. It not only undermines public confidence in the justice delivery system but also sends a dangerous signal to the accused, enabling them to evade due process, while causing serious hardship to the complainant.

2. In this backdrop, considering the serious lapses noted, and since the issues raised in these matters involve similar shortcomings requiring common consideration, all the petitions are taken up together and are being disposed of by this common order, by outlining the relevant circumstances and procedural failures in each of the following cases.



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(i) Crl.O.P.Nos.16882 and 21404 of 2025 – These

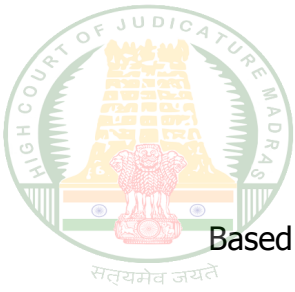
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petitions have been filed seeking (i) a direction to the learned V Metropolitan Magistrate, Egmore, Chennai, to take on file the charge sheet filed by the respondent police on 10.02.2024 through the e-filing portal; and (ii) a direction to the learned Judicial Magistrate No.I, Tambaram, to take on file the final report filed by the respondent police on 11.05.2024. Although a considerable period has elapsed since the filing of the said charge sheets, they have not yet been taken on file by the respective Magistrates.

(ii) Crl.O.P.Nos.18139 and 20852 of 2025 – These petitions seek a direction for the execution of the Non-Bailable Warrants issued by the learned Magistrate, which have remained unexecuted for a considerable period despite repeated opportunities.

3. A brief narration of the facts in each of the Criminal Original Petitions is set out below:

3.1. The petitioner in Crl.O.P.No.16882 of 2025 is the State President of Tamil Nadu HIV Ullor Koottamaippu, an association engaged in implementing welfare schemes for HIV-affected persons across Tamil Nadu.



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Based on a complaint lodged by the petitioner alleging cheating to the tune of Rs.14,00,000/- by certain individuals under the guise of arranging project funds, an FIR in Crime No.359 of 2022 was registered by the respondent police for the offence under Section 420 IPC. Subsequently, this Court, by order dated 10.08.2023 in Crl.O.P.No.17877 of 2023, directed the respondent police to file a final report or closure report within three months. Thereafter, on 23.02.2024, in Contempt Petition No.445 of 2024, it was submitted before this Court that the final report had been filed before the learned V Metropolitan Magistrate, Egmore, on 10.02.2024 via E-Filing No.C202400037. Recording the same, this Court directed the Magistrate to act upon the report within four weeks. The grievance of the petitioner is that even after the expiry of several months, the learned Magistrate has not taken any steps to act upon the final report as directed. The petitioner also refers to Rule 25(6) of the Criminal Rules of Practice, 2019, which mandates that the final report shall not be returned even if defective, and that in the absence of any defect, it shall be taken on file within three days from the date of receipt. Hence, the present petition is filed, seeking appropriate direction to the learned V Metropolitan Magistrate, Egmore, to take on file the final report dated 10.02.2024, filed in E-Filing No.C202400037, within a time frame as may be fixed by this Court.



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3.2. The petitioner has filed the petition in Crl.O.P.No.21404 of 2025

stating that he, along with 91 others, was allegedly cheated by one Mr.Manalan, Proprietor of Renils Estate, who is accused of having collected a total sum of Rs.2,10,00,000/- from the victims under the pretext of selling DTCP-approved plots in Survey No.158, Koodalur Village, Chengalpattu. Despite receiving the amount, the accused failed to purchase the promised land and instead diverted the funds to acquire other properties. Based on the complaint, FIR in Crime No.13 of 2023 was registered by the respondent police at CCB, Tambaram. The accused was arrested and later released on bail. Though the investigation was stated to be completed and a final report was filed on 11.05.2024 before the learned Judicial Magistrate No.I, Tambaram, the same has not been taken on file for over a year. Left with no effective remedy, the petitioner has filed the present petition, seeking a direction to the learned Judicial Magistrate to take the final report on file and proceed in accordance with law.

3.3. The petitioner in Crl.O.P.No.18139 of 2025 has filed a complaint under Section 138 of the Negotiable Instruments Act against the second respondent, V. Raja Rajacholan, in S.T.C.No.9639 of 2024, pending before the learned Metropolitan Magistrate, Fast Track Court No.I, Allikulam. By order dated 18.12.2024, the learned Magistrate issued a non-bailable warrant against the second respondent and directed the first respondent police to



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execute the same. However, despite the lapse of considerable time and repeated representations made by the petitioner, the warrant remains unexecuted, and no effective steps have been taken by the first respondent. The continued inaction of the police in executing the warrant raises serious concern. Hence, this petition is filed seeking a direction to the first respondent police to execute the non-bailable warrant issued by the learned Metropolitan Magistrate, Fast Track Court No.I, Allikulam, against the second respondent in S.T.C.No.9639 of 2024, dated 18.12.2024.

3.4. The petitioner in Crl.O.P.No.20852 of 2025 states that he had filed a private complaint under Section 138 of the Negotiable Instruments Act in S.T.C.No.914 of 2018 on the file of the learned Judicial Magistrate No.V, Salem, against the second respondent. It is alleged that the petitioner had paid a sum of Rs.32,00,000/- to the second respondent in 2017, and in discharge of the said liability, the second respondent issued two cheques, which, upon presentation, were dishonoured. After issuance of statutory notice, the petitioner initiated proceedings and summons were served on the second respondent. Though he appeared through counsel and filed a petition under Section 317 CrPC, he subsequently failed to appear before the Court. Consequently, the learned Magistrate issued a non-bailable warrant on 06.07.2018 for securing the presence of the second respondent. The petitioner submitted that despite several representations, including a written



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representation dated 18.10.2021, no steps have been taken by the first respondent police to execute the said warrant. As a result, the case has remained pending without progress for nearly seven years, causing grave hardship to the petitioner. Hence, the present petition is filed seeking a direction to the first respondent police to execute the non-bailable warrant issued by the learned Judicial Magistrate No.V, Salem, in S.T.C.No.914 of 2018 against the second respondent and produce him before the said Court within a time frame as may be fixed by this Court.

4. The learned Government Advocate (Criminal Side), on instructions from the respondent Police, would submit as follows:

4.1. In CrI.O.P.No.16882 of 2025, Dr. C.E. Pratap, learned Government Advocate (Criminal Side) appearing for the respondent police, submitted that the charge sheet was filed on 10.02.2024 through e-Filing No. C202400037; however, the same has not yet been taken on file by the learned V Metropolitan Magistrate, Egmore.

4.2. In CrI.O.P.No.21404 of 2025, Dr. C.E. Pratap, learned Government Advocate (Criminal Side) appearing for the respondent police, also submitted that the charge sheet was filed on 11.05.2024; however, the same has not been taken on file by the learned Judicial Magistrate No.I, Tambaram.



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4.3. In Crl.O.P.No.18139 of 2025, Mr.S.Vinoth Kumar, learned Government Advocate (Criminal Side) appearing for the respondent Police, submitted that a Non-Bailable Warrant (NBW) was issued against the accused on 20.01.2025, which remains unexecuted.

4.4 In Crl.O.P.No.20852 of 2025, Mr.S.Vinoth Kumar, learned Government Advocate further submitted that a Non-Bailable Warrant was issued against the accused on 06.08.2018, which has also not been executed and is still pending.

5. This Court finds it pertinent to record that the present cases are not isolated instances. On numerous occasions, this Court has also had to pass directions in petitions where, despite the charge sheet being filed through the prescribed e-filing system, the same was not taken on file by the respective Magistrates for inordinately long periods. Similarly, Non-Bailable Warrants issued by the Magistrates have remained unexecuted for several months or even years, compelling the aggrieved parties or the prosecution to approach this Court seeking directions for execution.

6. The State authorities often inform this Court that the charge sheet has been filed; however, it is not taken on file by the concerned Magistrate. Similarly, although non-bailable warrants have been issued, the authorities



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merely state from time to time that steps are being taken for their execution.

Even though the State or police claim that necessary steps are being taken such as filing charge sheets or executing non-bailable warrants in actual practice, these steps are not effectively carried out unless the complainant or aggrieved party repeatedly approaches the Court by filing petitions and seeking directions

7. In order to ascertain the extent of pendency and procedural delays in taking charge sheets on file, by order dated 12.06.2025 in Crl.O.P.No.16882 of 2024, this Court directed the Registrar General of this Court to file a report indicating the number of cases in which charge sheets have been filed before the Magistrate Courts across the State of Tamil Nadu but have not yet been taken on file by the respective Courts. At this juncture, it would be appropriate to extract the relevant portion of the said order, which reads as under:-

"2. Today, when the matter the was taken up for hearing, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, on instructions, submitted that after completion of investigation in Crime No.359 of 2022, the respondent-Police filed the charge sheet on 10.02.2024 through e-filing *vide* No.C202400037 before the learned Vth Metropolitan Magistrate, Egmore, Chennai.

3. Even though the charge sheet was filed as early as 10.02.2024, the case has still not been taken on file by the Vth Metropolitan Magistrate, Egmore. Had timely action been taken, the poor litigants would not have been forced to approach this Court merely to get the case numbered. In order to ascertain the extent of such delays and to issue appropriate directions for ensuring speedy disposal in future, this Court requires accurate data regarding the number of cases in which charge sheets have been filed but not yet taken on file by the concerned Magistrate Courts.



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4. Accordingly, the Registrar General, High Court, Madras, is directed to file a report before this Court within a period of one month, i.e., on or before 15.07.2025, indicating how many cases in the Magistrate Courts across the State of Tamil Nadu were charge-sheeted but have not yet been taken on file by the respective Courts.

Post the matter on 15.07.2025."

8. Likewise, by another order dated 01.07.2025 passed in Crl.O.P.No.18139 of 2025, this Court, taking note of the pendency in execution of Non-Bailable Warrants across the State of Tamil Nadu, directed the Registrar General to file a report. The relevant portion of the said order is extracted hereunder:

"2. On a perusal of the records, it is seen that in the case on hand, the learned Magistrate issued Non-Bailable Warrant as against the second respondent herein/accused on 20.01.2025. However, the respondent-Police neither executed the warrant, nor filed any report before the learned Magistrate, till date.

3. No doubt, this is not a first case, and numerous cases remain pending at the stage of initiation of Non-Bailable Warrants. When once the warrant has been issued by the Magistrates/Sessions Judge, the respondent-Police ought to have executed the warrant, secure the accused and produced the accused before the Court concerned within a stipulated time as prescribed in the warrant or otherwise file a status report before the Court concerned regarding the non-execution of warrant. Later, fresh warrant ought to be issued by the Court concerned only at the request of parties. However, the respondent-Police have no authority to keep the warrant pending without any progress. Therefore, the Director General of Police, Chennai and the Commissioner of Police, Chennai are hereby directed to file a report as to how many cases are pending at the stage of execution of Non-Bailable Warrants all over the State of Tamil Nadu, on or before 23.07.2025.

4. The Registrar General, High Court, Madras, is also hereby directed to call for a status report from the Subordinate Courts, as to how many cases are pending without executing the Non-Bailable Warrants and without filing compliance reports, on or before 23.07.2025.

Post the matter under the caption "For Filing Reports" on 24.07.2025."



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9. Heard both sides and perused the materials on record, including the report submitted.

10. These Criminal Original Petitions involve two distinct categories of issues, as already indicated, which are examined separately under the following heads:-

11.1. Charge Sheet Not Taken on File

11.2. Non-Execution of Non-Bailable Warrants

11.1. **Charge sheet not taken on file (Crl.O.P.Nos.16882 & 21404 of 2025):-**

11.1(1) It is a matter of serious concern that, although the final reports were filed as early as on 10.02.2024 and 11.05.2024 respectively, the same have not yet been taken on file by the concerned Magistrates. As per Rule 25(6) of the Criminal Rules of Practice, 2019, the charge sheet shall be taken on file within three days from the date of its receipt. At this juncture, it would be apposite to refer to the said Rule, which reads as follows:-

"27.6. Final report filed by police / complaint filed by other investigating agency shall not be returned even if they are defective. A separate memorandum should be issued to rectify the defect. If the defects are not rectified within three months, the court shall report the matter to the Commissioner of Police/ Superintendent of Police, as the case may be. In the



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absence of defects, the same shall be taken on file within three days from the date of receipt."

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Further, once a charge sheet or final report is filed by the police, it is incumbent upon the Magistrate to proceed in accordance with law either by taking cognizance, directing further investigation, or returning the report for rectification, as the case may be depending on the circumstances of the case. In this regard, it is apposite to refer to the decision of the Hon'ble Supreme Court in ***Dablu Kujur v. State of Jharkhand*** [Criminal Appeal No. 1511 of 2024, arising out of SLP (Crl.) No. 2874 of 2023, decided on 12.03.2024], wherein the Hon'ble Supreme Court laid down as follows:

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

However, even after the final reports have been filed, the learned Magistrates concerned have not acted upon them as mandated by law. Instead of proceeding in accordance with the directions of the Hon'ble Supreme Court



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and the procedure laid down under the Code of Criminal Procedure, the matters are kept pending without taking the report on file, resulting in avoidable delay and procedural stagnation.

11.1(2) The report dated 31.07.2025 filed by the Registrar General shows a large difference between the number of charge sheets submitted and the number that have been taken on file.

11.1(3) It is pertinent to note that this Court is not issuing such a direction for the first time. On multiple earlier occasions, this Court has categorically observed that once a final report (charge sheet) is filed by the police, it must be taken on file by the Magistrate without delay or unnecessary procedural hindrance. At this juncture, it would be apposite to refer to the order passed in Contempt Petition(MD)No.728 of 2022, dated 20.06.2022, wherein this Court had already taken note of similar lapses and issued appropriate directions.

3.Taking note of the submissions made by the Inspector General of Police, South Zone, I issue the following directions:-

(I) As and when final reports are filed before the jurisdictional Courts, the concerned Court clerk will acknowledge receipt of the same by affixing seal with date and signature on the first page of the office copy of the final report.

(II) If such receipt is not given by the Court clerk, the concerned IO shall report to the Superintendent of Police of the concerned District within 24 hours. The Superintendent of Police shall in turn bring the same to the notice of the Principal District and Sessions Judge for remedial action.



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(III) Section 25(6) of the Criminal Rules of Practice, 2019 mandates that whenever final report is filed, even if it is defective, it shall not be returned for any reason whatsoever. If this mandate is breached, the same also shall be brought to the notice of the District Superintendent of Police by the concerned IO.

In addition, this Court had also issued a circular in R.O.C.No.69701-A/2022/F1, dated 13.07.2022, the relevant portion of which reads as under:

"All the Judicial Magistrates in the State of Tamil Nadu and the Union Territory of Puducherry are hereby directed to take the final reports filed by the Police concerned on file without returning the same.

All the Principal District Judges / Chief Judicial Magistrates shall ensure that final reports in criminal cases are not returned for any reason. Further, all Judicial Magistrates are directed to give proper acknowledgment to the police concerned upon filing of the final reports.

All the Principal District Judges / Principal Judge / District Judge / Chief Judge are directed to send a monthly report of those cases where final reports are not filed within the statutory period, to the High Court, with a copy marked to the Commissioner of Police / Superintendent of Police of the District concerned."

As the circular issued was not followed by certain individuals, the same was referred to and incorporated in the subsequent order passed by this Court in Contempt Petition No.728 of 2022, dated 30.08.2022 and the relevant portion of that order is extracted below:

"5. My Lord, the Hon'ble Chief Justice issued circular vide R.O.C.No.69701-A/2022/F1 dated 13.07.2022 directing all the Judicial Magistrates in the State of Tamil Nadu and Union Territory of Puduchery to take the final reports filed by the police concerned on file without returning the same and all the Principal District Judges / Chief Judicial Magistrates to



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ensure that the final reports in criminal cases are not returned for any reason. Further all the Judicial Magistrates were directed to give proper acknowledgement to the police concerned on filing final reports. His Lordship Mr. Justice N.Sathish Kumar had also issued certain directions in this regard.

6. Today Shri.Asra Garg, I.P.S., appeared before me and filed his status report. His labour is evident from the results. Due to his persistent follow-up action during the last two months, as many as 64027 final reports have been filed and duly acknowledged. This covers ten districts falling within the jurisdiction of the Madurai Bench. The status report filed by the I.G. contains detailed statistics and facts and figures."

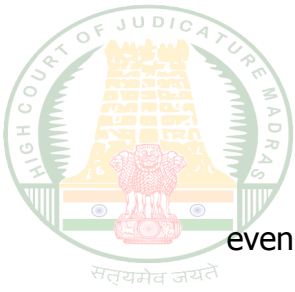
In spite of the repeated and specific directions issued by this Court, both in the form of judicial orders and administrative circulars, to the effect that once the final report is filed, it must be taken on file without unwarranted return or delay, this Court continues to receive petitions from aggrieved parties stating that final reports filed by the jurisdictional police are not being taken on file, thereby necessitating intervention from this Court.

11.1(4) In the present case, the petitioner lodged a complaint alleging that he was cheated of a sum of Rs.14,00,000/- by certain individuals under the pretext of arranging project funding. However, as no FIR was registered, the petitioner filed Crl.M.P.No.2532 of 2022, which was allowed by order dated 16.04.2022, and pursuant thereto, an FIR was registered in Crime No.359 of 2022 for the offence under Section 420 IPC. As no further progress was made in the investigation, the petitioner approached this Court once again, and by order dated 10.08.2023 in Crl.O.P.No.17877 of 2023, this Court



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directed the respondent police to file a final report or a closure report within a period of three months. As the said direction was not complied with, the petitioner was constrained to initiate contempt proceedings by filing Contempt Petition No.445 of 2024. During the hearing held on 23.02.2024, it was submitted that the final report had been filed before the learned V Metropolitan Magistrate, Egmore, on 10.02.2024, through E-Filing No.C202400037. Taking note of the said submission, this Court directed the learned Magistrate to act upon the report within a period of four weeks. However, despite the lapse of several months, no action has been taken by the learned Magistrate, and the report continues to remain unattended. The petitioner has once again been compelled to approach this Court by filing the present petition in CrI.O.P.No.16882 of 2025 seeking compliance with the directions already issued. Likewise, the petitioner in CrI.O.P. No. 21404 of 2025 was also compelled to file the present petition seeking a direction to take the charge sheet on file, which had already been filed before the concerned Court by the respondent-Police through the online portal; however, it has not been taken on file till date. Such delay, despite clear and specific judicial directions, reflects a lack of promptness and seriousness on the part of the learned Magistrate. This continued inaction not only causes undue hardship to the litigant but also undermines public confidence in the justice delivery system. The Magistrate plays a pivotal role in ensuring that justice is administered efficiently and fairly. Delay in



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even taking a final report on file, particularly when there are standing directions from this Court, undermines judicial discipline and conveys an unwarranted impression of systemic indifference. Courts cannot remain passive in the face of such lapses that result in avoidable hardship to citizens.

11.1(5) It is made clear that, hereafter, in all cases where a charge sheet or final report is filed before the Magistrate, the same shall be taken on file forthwith, and necessary action in accordance with law shall be initiated without undue delay. No case shall remain at the stage of "charge sheet filed but not taken on file," as such procedural stagnation defeats the very object of fair and timely administration of criminal justice. All Magistrates are expected to act promptly on receipt of final reports and discharge their judicial responsibilities with due diligence and urgency, especially where prior directions of this Court exist.

11.1(6) Accordingly, in Crl.O.P.No.16882 of 2025, this Court directs the learned V Metropolitan Magistrate, Egmore, to take up the final report filed in Crime No.359 of 2022 through E-Filing No.C202400037 dated 10.02.2024, if not already taken on file, and, if found to be in order, to act upon the same within a period of two weeks from the date of receipt of a copy of this order, and proceed further in accordance with law. Likewise, in Crl.O.P.No.21404 of 2025, the learned Judicial Magistrate No.I, Tambaram, is



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also directed to take on file the final report filed by the respondent police on 11.05.2024, if not already taken on file, and, if found to be in order, to act upon the same within a period of two weeks from the date of receipt of a copy of this order, and proceed further in accordance with law.

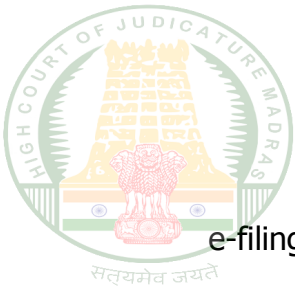
11.1(7) It is further directed that the Registrar (IT-cum-Statistics) shall take appropriate steps to address a recurring technical and administrative issue observed during inspections. In Taluk-level courts where separate establishments exist for each court, charge sheets filed through the e-filing portal are readily accessible to the concerned Judicial Magistrates, thereby facilitating timely perusal and further proceedings. However, in combined court complexes, particularly at the District level where multiple Magistrates function from a common establishment, it has been noticed that all charge sheets filed through e-filing are received centrally without any system-based segregation. As a result, the court staff / Judicial Officers are compelled to manually verify each charge sheet to determine whether it pertains to their jurisdiction or not. This process leads to significant administrative burden and delay in placing the report before the appropriate court for consideration. The Registrar (IT-cum-Statistics) is therefore directed to convene a meeting with concerned judicial officers and administrative staff to devise and implement a streamlined mechanism, whereby charge sheets filed through the e-filing system are automatically routed, flagged, or otherwise made readily



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identifiable by the concerned courts. This will ensure that the Magistrate having jurisdiction is able to peruse the report and take appropriate action without procedural delay. All necessary technical and procedural measures shall be taken expeditiously to eliminate the difficulties currently being faced in combined court establishments, so as to uphold the efficiency and timeliness expected in criminal proceedings.

11.1(8) It has also come to the notice of this Court that there are certain deviations and irregularities on the part of the investigating officers in the manner of filing charge sheets before the concerned Magistrates. In several cases, charge sheets are either not uploaded in the prescribed formats or are incomplete, lacking necessary enclosures such as statements, list of witnesses, or material documents. In some instances, charge sheets are even filed before courts which do not have territorial or subject-matter jurisdiction, resulting in unnecessary procedural delay and administrative confusion. Such lapses not only delay the process of taking cognizance but also impose avoidable burdens on the court establishment, affecting the smooth functioning of the judicial system. In this regard, the Director General of Police is requested to issue appropriate instructions to all investigating agencies to strictly adhere to the prescribed procedure and format while filing final reports. Further, it is recommended that structured training sessions be conducted for all concerned police officers, particularly those responsible for



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e-filing and charge sheet preparation, to ensure procedural compliance and jurisdictional accuracy. This would go a long way in preventing avoidable delay and improving the overall efficiency of criminal trial proceedings.

11.2. **Non-Execution of Non-Bailable Warrants**

(Crl.O.P.Nos.18139 & 20852 of 2025:-

11.2(1) In compliance with the directions issued by this Court dated 01.07.2025, the Registrar General has submitted a report dated 24.07.2025. As per the report, there are 73,699 cases pending at the stage of execution of Non-Bailable Warrants (NBWs) across the State. Shockingly, it includes two cases where NBWs have remained unexecuted since as early as 1985. Out of the total, 12,394 cases relate to the current year 2025, which means that 61,305 cases are pending from the period between 1985 and 2024. Although the pendency for the current year may be within acceptable limits, the fact that more than 61,000 cases have remained pending for several years and in some instances, for decades is deeply troubling. The prolonged non-execution of Non-Bailable Warrants over such an extended period reflects a serious lapse in the functioning of the enforcement machinery and weakens the effectiveness of the criminal justice system. The matter, therefore, calls for immediate corrective measures to ensure timely execution of warrants and to prevent such delays in future.



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11.2(2) At this juncture, it would be apposite to refer to the judgment of the Hon'ble Supreme Court in ***Raghuvansh Dewanchand Bhasin v. State of Maharashtra and Another***, reported in (2012) 9 SCC 791. In that case, the Hon'ble Supreme Court expressed serious concern over the mechanical and excessive issuance of non-bailable warrants (NBWs) and laid down detailed procedural safeguards to be followed uniformly by all courts across the country. In paragraphs 28 and 29 of the judgment, the Hon'ble Supreme Court issued comprehensive directions regarding the issuance and execution of NBWs. These include the use of machine-numbered warrant forms, proper maintenance of warrant registers in both courts and police stations, specifying return dates, and regular judicial monitoring of the execution process. The Hon'ble Apex Court directed that compliance reports must be filed within a fixed timeline and acted upon without delay. Further, the Hon'ble Apex Court observed that long intervals for return of warrants should be avoided. It emphasized that responsibility for any misuse or failure in execution should be clearly traceable to specific officers through well-maintained registers and ensured accountability by requiring that warrants be forwarded through a supervising officer. The Hon'ble Apex Court also underscored the importance of promptly recording and communicating the cancellation of NBWs both to the executing authority and the accused, in order to ensure procedural fairness and administrative discipline. For better



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appreciation, the relevant portion of the said judgment is extracted

hereunder:-

28. However, before parting with the judgment, we feel that in order to prevent such a paradoxical situation, we are faced with in the instant case, and to check or obviate the possibility of misuse of an arrest warrant, in addition to the statutory and constitutional requirements to which reference has been made above, it would be appropriate to issue the following guidelines to be adopted in all cases where non-bailable warrants are issued by the courts:

28.1. All the High Court shall ensure that the subordinate courts use printed and machine numbered Form 2 for issuing warrant of arrest and each such form is duly accounted for;

28.2. Before authenticating, the court must ensure that complete particulars of the case are mentioned on the warrant;

28.3. The presiding Judge of the Court (or responsible officer specially authorised for the purpose in case of High Courts) issuing the warrant should put his full and legible signatures on the process, also ensuring that Court seal bearing complete particulars of the Court is prominently endorsed thereon;

28.4. The court must ensure that warrant is directed to a particular police officer (or authority) and, unless intended to be open-ended, it must be returnable whether executed or unexecuted, on or before the date specified therein;

28.5. Every court must maintain a register (in the format given below at p. 804), in which each warrant of arrest issued must be entered chronologically and the serial number of such entry reflected on the top right hand of the process;

28.6. No warrant of arrest shall be issued without being entered in the register mentioned above and the court concerned shall periodically check/monitor the same to confirm that every such process is always returned to the court with due report and placed on the record of the case concerned;

28.7. A register similar to the one in para 28.5 supra shall be maintained at the police station concerned. The Station House Officer of the



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police station concerned shall ensure that each warrant of arrest issued by the court, when received is duly entered in the said register and is formally entrusted to a responsible officer for execution;

28.8. Ordinarily, the courts should not give a long time for return or execution of warrants, as experience has shown that warrants are prone to misuse if they remain in control of executing agencies for long;

28.9. On the date fixed for the return of the warrant, the court must insist upon a compliance report on the action taken thereon by the Station House Officer of the police station concerned or the officer in charge of the agency concerned;

28.10. The report on such warrants must be clear, cogent and legible and duly forwarded by a superior police officer, so as to facilitate fixing of responsibility in case of misuse;

28.11. In the event of warrant for execution beyond jurisdiction of the court issuing it, procedure laid down in Sections 78 and 79 of the Code must be strictly and scrupulously followed; and

28.12. In the event of cancellation of the arrest warrant by the court, the order cancelling warrant shall be recorded in the case file and the register maintained. A copy thereof shall be sent to the authority concerned, requiring the process to be returned unexecuted forthwith. The date of receipt of the unexecuted warrant will be entered in the aforesaid registers. A copy of such order shall also be supplied to the accused.

Format of the Register

<i>S.No</i>	<i>The number printed on the form used</i>	<i>Case title and particulars</i>	<i>Name & Particulars of the person against whom warrant of arrest is issued (accused/ witness)</i>	<i>The Officer/Person to whom directed</i>	<i>Date of judicial order directing Arrest Warrant to be issued</i>	<i>Date of issue</i>	<i>Date of Cancellation if any</i>	<i>Due date of return</i>	<i>Report returned on</i>	<i>The action taken as reported</i>	<i>Remarks</i>

29. We expect and hope that all the High Courts will issue appropriate directions in this behalf to the subordinate courts, which shall endeavour to put into practise the aforesaid directions at the earliest, preferably within six months from today.



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It is also pertinent to note that the judgment of the Hon'ble Supreme Court in

Raghuvansh Dewanchand Bhasin v. State of Maharashtra and

Another [(2012) 9 SCC 791], was circulated by this Court to the Principal

Judge, Principal District Judges, Chief Metropolitan Magistrates, and the Chief

Judge, Court of Small Causes, Chennai, with a request to communicate a copy

thereof to all the courts under their jurisdiction, vide communication in

T&PSC.No.3393 of 2011, dated 02.11.2011. As certain deviations were

noticed in the implementation of the directions contained in the said

communication, the Registrar General subsequently issued a circular in

R.O.C.No.72661-A/2018/F1, P.Dis.No.180/2018, reiterating the directions of

the Hon'ble Supreme Court as laid down in the above judgment. The circular

specifically recorded that, despite the earlier communication, certain judicial

orders had not adhered to the binding directions of the Hon'ble Apex Court,

and accordingly, the said judgment was re-issued for strict compliance by all

Judicial Officers in accordance with the law laid down therein.

11.2(3) Had the judgment of the Hon'ble Supreme Court in

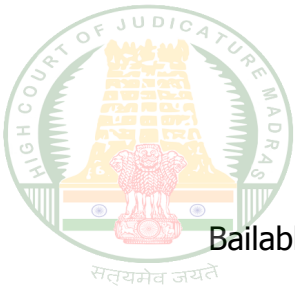
Raghuvansh Dewanchand Bhasin v. State of Maharashtra, [(2012) 9

SCC 791], and the circulars issued by this Court namely, the circular dated

02.11.2011 in T&PSC.No.3393 of 2011 and the Registrar General's Circular

No. R.O.C.No.72661-A/2018/F1, P.Dis.No.180/2018 been properly considered

and implemented, it is highly unlikely that such a large number of Non-



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Bailable Warrants (NBWs), totalling 73,699 as on 30.06.2025, would still be pending. Of these, 61,305 warrants relate to cases pending between 1985 and 2024, which is a matter of serious concern.

11.2(4) In the said judgment, the Hon'ble Supreme Court had not only issued binding directions to all courts regarding the proper procedure for issuing and monitoring NBWs, but had also specifically directed the police authorities to promptly execute warrants, submit timely compliance reports, and cooperate with the judiciary to ensure effective enforcement. However, despite these clear and categorical instructions, neither the police authorities nor the judicial officers have taken adequate steps to ensure compliance. This clearly indicates that proper registers were not maintained, the status of warrants was not periodically reviewed, and compliance reports were neither insisted upon nor acted upon. The purpose of the Hon'ble Supreme Court's directions, reiterated through the above-mentioned circulars, was to prevent precisely this situation where warrants remain pending for years without any meaningful progress. Had the subordinate courts maintained the required registers, regularly monitored execution, and ensured consistent follow-up with the police, such a staggering level of pendency could have been avoided. Judicial officers and police authorities must take personal responsibility and ensure that NBWs are executed promptly, that registers are properly maintained and monitored, and that no further delay is allowed to continue unchecked.

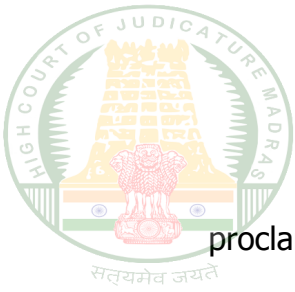


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11.2(5) In Crl.O.P. No.18139 of 2024, it is seen that the Non-Bailable Warrant (NBW) issued on 18.12.2024 remained unexecuted, and the matter was repeatedly posted on 12.02.2025, 26.03.2025, 07.05.2025, and 08.05.2025 without any substantial progress. In Crl.O.P.No.20852 of 2025, although a Non-Bailable Warrant was issued as early as in the year 2018, it has neither been taken on file nor returned, and no further steps appear to have been taken in the matter. This continuous pendency, despite several listings, reflects a lack of effective follow-up and coordination between the Court and the executing agency. Such delay increases the risk of the warrant becoming ineffective or misused and, more importantly, stalls the progress of the criminal proceedings. In the said judgment of the Hon'ble Supreme Court, it was also emphasized that where the accused is suspected to be outside the jurisdiction, the procedure under Sections 78 and 79 of the Code of Criminal Procedure / 80 and 81 of BNSS must be strictly followed for effective execution through the appropriate Magistrate. However, instead of taking such steps, merely keeping the matter pending serves no purpose and directly hampers the commencement of trial.

11.2(6) Further, when an accused remains untraceable and the NBW continues to be unexecuted, judicial officers are empowered to proceed under Sections 82 and 83 CrPC / Section 84 and 85 of BNSS. The court may issue a



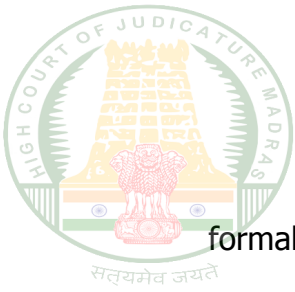
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proclamation declaring the accused as a proclaimed offender and, if necessary, order attachment of the accused's property to compel appearance.

In appropriate cases, the trial may even proceed in the absence of the accused, depending on the circumstances. However, where no such action is initiated, and the matter is simply adjourned from time to time, it will inevitably result in undue delay and frustrate the very purpose of the trial. Therefore, the court must proactively ensure that warranted actions under the Code are taken without further delay.

11.2(7) It is also apposite to note that the Director General of Police (DGP) filed a status report indicating that only 16,038 cases were pending at the stage of execution of Non-Bailable Warrants (NBWs). However, the report submitted by the Registrar General reflected that 73,699 such cases were pending. In view of this significant discrepancy in the reported figures, appropriate measures must be undertaken to reconcile the data and ensure accurate and consistent reporting so as to avoid any future complications.

11.2(8) This Court takes serious note of the continued and deliberate inaction by certain judicial officers and prosecuting authorities in failing to comply with the binding directions issued by the Hon'ble Supreme Court and reiterated through various circulars and standing instructions of this Court. These circulars are not intended to be treated as mere administrative



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formalities; they are mandatory directions designed to uphold constitutional mandates and protect the integrity of the judicial process.

11.2.(9) It is highly concerning that, despite repeated judicial and administrative instructions, no effective follow-up action has been taken in many cases particularly where the accused remain untraceable and Non-Bailable Warrants have remained unexecuted for prolonged periods. The failure to initiate appropriate proceedings under Sections 78, 79, 82, and 83 of the CrPC / 80, 81, 84 and 85 of BNSS despite clear judicial pronouncements, is a matter of serious concern. In some instances, warrants have remained pending even since the year 1985 under the category of pending NBWs, which is completely unacceptable and reflects a breakdown in the system. Such lapses are bound to have serious consequences and cannot be ignored any further.

11.2(10) This is not merely a procedural lapse. Such gross inaction undermines the very foundation of the justice delivery system. When courts fail to act against absconding accused persons, it encourages them to evade the law with impunity, causes undue hardship to complainants and victims, and also creates room for possible misuse of power by the investigating authorities. More alarmingly, it sends a completely unacceptable message to society that the system can be manipulated or delayed indefinitely without



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consequence. This Court cannot countenance such a state of affairs any further.

11.2(11) Not only have procedural lapses been noticed in the aforementioned discrepancies with regard to the issuance and execution of Non-Bailable Warrants (NBWs), but it is also observed that the disposal of case properties is not being properly recorded or maintained in the court registers. In several instances, there is a lack of clear documentation concerning the chain of custody, current status, and final disposal of the material objects seized during investigation. Such lapses may result in serious administrative and legal consequences. It is, therefore, imperative that immediate steps be taken to streamline the relevant procedures, ensure individual accountability, and maintain accurate and up-to-date records in strict adherence to the prescribed norms, rules, and judicial circulars.

Appointment of Nodal Officer:-

11.2(12) In order to ascertain whether all subordinate courts across the State of Tamil Nadu are complying with the circulars and directions issued by this Court and the Hon'ble Supreme Court particularly with respect to the issuance and execution of Non-Bailable Warrants, maintenance of registers, disposal of case properties, and the imparting of necessary training, this Court is of the considered view that the task necessitates the appointment of a



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competent individual possessing adequate knowledge and experience in court administration, especially in the handling and supervision of records from the clerical to the administrative level. Accordingly, Mr.R.Mahesh Babu, a retired Chief Administrative Officer, who has served in various districts, including the Principal Labour Court, Tiruchirappalli; the Principal District Court, Tiruchirappalli; as well as at Ariyalur and Tanjore, and who is found to possess the requisite expertise and experience in the relevant domains, is hereby appointed as the Nodal Officer for all subordinate courts across the State of Tamil Nadu, initially for a period of one year, for the specific purpose of independently inspecting and verifying compliance with the directions set forth in the following paragraphs:-

11.2(13) The Nodal Officer shall undertake a detailed inspection of all subordinate courts across the State, impart necessary training, and verify the following aspects:-

(i) Whether all registers mandated under judicial pronouncements and Registry Office circulars are being duly maintained in the prescribed format, including registers for NBWs and case properties;

(ii) Whether judicial officers and court staff are complying with procedures relating to the attachment, custody, and implementation of orders regarding seized properties;



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(iii) Whether case properties are being disposed of in accordance with the orders of the respective courts, and whether any lapse, delay, or negligence exists in the continued retention or mismanagement of such properties.

(iv) To verify the consignment of case records to the District Court central records, Civil Court Deposits, disposal of case properties, and all other registers maintained on the administrative side.

(v) To impart training to all staff members in the respective districts without disrupting the regular functioning of the courts, preferably, in any of the Saturdays.

(vi) The Nodal Officer shall complete the inspection and file interim reports, district-wise, as and when each inspection is completed, before the Registrar General periodically. Thereafter, a comprehensive report shall be submitted to this Court within a period of one year from the date of receipt of a copy of this order. He shall be entitled to a remuneration of Rs. 50,000/- per month, which shall be drawn from the Contingency Fund of the High Court.

11.2(14) Direction to Registrar General:

(i) The Registrar General is directed to take necessary steps to circulate the above appointment of the Nodal Officer to all Principal District Judges and issue appropriate instructions to all judicial officers and staff to



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extend full cooperation for the inspection, verification of records, and for the training within a period of two weeks from the date of receipt of a copy of this order. The Registrar General shall also take necessary steps to ensure timely disbursement of the monthly remuneration to the Nodal Officer from the Contingency Fund of the High Court.

(ii) Upon receipt of the report from the Nodal Officer, the Registrar General of this Court is directed to:

(a) Examine the periodical reports to be filed by the Nodal Officers, district-wise, and take follow-up action through the Registrar (Inspection) based on the findings in the said reports;

(b) After filing a comprehensive report, initiate appropriate administrative or disciplinary action, if warranted, against any Judicial Officer, court staff, or authority found to have neglected or failed to comply with the binding directions issued by the Hon'ble Supreme Court and this Court.

(c) File a status report before this Court indicating the nature of action taken on the basis of the Nodal Officer's report, within eight weeks from the date of receipt of such report.

(d) The Registrar General shall also take appropriate steps to ensure that the deficiencies, if any, highlighted in the report are addressed in a time-bound and effective manner, with necessary training, supervision, or correctional measures.



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11.2(15) Considering that the Non-Bailable Warrant (NBW) was issued as early as in the year 2018 in Crl.O.P.No.20852 of 2025, and that another NBW was issued on 18.12.2024 in Crl.O.P.No.18139 of 2025, both of which remain unexecuted till date, this Court directs the respondent police to take immediate steps to execute the said warrants within a period of two weeks from the date of receipt of a copy of this order. In the event the warrants are not executed within the said period, the same shall be returned to the Court with an appropriate report, in line with the procedure reiterated by the Hon'ble Supreme Court in paragraph Nos. 28.8 and 28.9 of the judgment in ***Raghuvansh Dewanchand Bhasin v. State of Maharashtra***, [(2012) 9 SCC 791].

11.2(16) Before parting with the matter, this Court finds it necessary to reiterate that both the police and the judiciary bear a joint institutional responsibility to deliver justice, particularly to poor and voiceless complainants who approach the system in the hope of redress. Justice must not be denied or delayed due to procedural irregularities or administrative indifference. When an aggrieved citizen knocks on the doors of the court, it is the solemn duty of every stakeholder be it the police or the court to ensure that the process is fair, transparent, and in strict conformity with the law.



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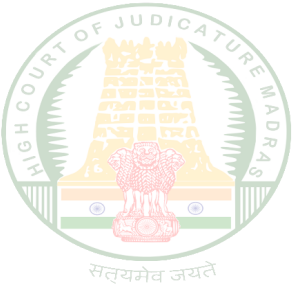
12. The Director General of Police is directed to take necessary steps to implement the directions issued in paragraph No.11.1(8) and to file an action taken report before this Court after a period of three months, indicating the status of compliance with the said directions.

13. The Registrar (IT-cum-Statistics) is directed to comply with the directions issued in paragraph No.11.1(7) and also file a compliance report within a period of three months from the date of receipt of a copy of this order.

14. (i) The Registrar General is directed to comply with the directions issued in para No.11.2(14)-(i) and (ii)(a) and file a report, during the next date of hearing.

(ii) The Registrar General is directed to file the Action Taken Report within a period of two months from the date of receipt of the reports to be filed by the Nodal Officer, who shall file the said report within a period of one year from the date of receipt of a copy of this order, duly taking note of the directions issued in paragraph No.11.2(14)-(ii)(a), (b), (c), and (d).

15. In the result, Crl.O.P.Nos.16882 & 21404 of 2025 are disposed of in terms of the directions issued in paragraph Nos.11.1(5) to 11.1.(8)



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16. Crl.O.P.Nos.18139 of 2025 and 20852 of 2025 are disposed of in terms of the directions issued in paragraph Nos.11.2(11) to 11.2(15).

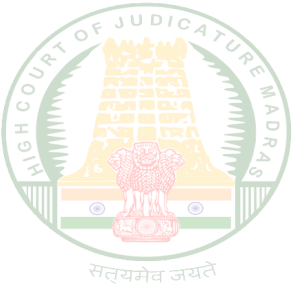
17. List the matter after three months for reporting compliance.

01/08/2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No

Note: Issue order copy on or before 04.08.2025

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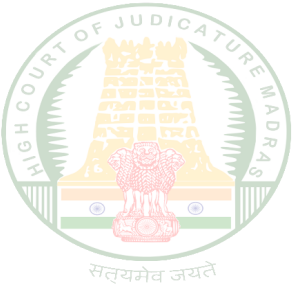
- 1.The Inspector of Police,
K-4, Anna Nagar Police Station,
Chennai District.
- 2.The Inspector of Police,
CCB Police Station,
Tambaram.
- 3.The Inspector of Police (Law and Order),
J-8, Neelankarai Police Station, Chennai.
- 4.The Inspector of Police,
H-8 Police Station,
Nagamalai, Pudukottai.
Madurai District.
- 5.The V Metropolitan Magistrate,
Egmore.
- 6.The Judicial Magistrate No.I,
Tambaram.
- 7.The Metropolitan Magistrate,
Fast Track Court No.I, Allikulam
- 8.The Judicial Magistrate No.V,
Salem.
- 9.The Registrar General,
Madras High Court, Chennai.
- 10.The Register (IT cum Statistics),
Maras High Court, Chennai.
- 11.The Director General of Police,
Mylapore, Chennai.



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12.Mr.R.Mahesh Babu,
No.22, Murugavel Nagar,
3rd Cross, K.K.Nagar,
Trichy - 620 021.
(Phone No.9443914168)

13.The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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Pre Delivery Order in
CrI.O.P.Nos.16882 & 21404 of 2025
and
CrI.O.P.Nos.18139 & 20852 of 2025

01/08/2025