

Crl.RC.(MD) No.577 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL.RC.(MD)No.577 of 2026

Kannan Baba

.... Petitioner

Vs.

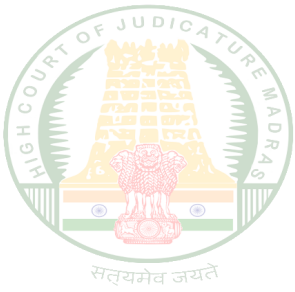
The State of Tamilnadu,
Rep. by the Inspector of Police,
High Ground Police Station,
Tirunelveli City,
Tirunelveli District.
Crime No.67 of 2024

....Respondent

Prayer: Criminal Revision Petition, filed under section 438 r/w 442 of BNSS, to call for the records pertaining to the order passed by the learned Judicial Magistrate Court No.I, Tirunelveli, in Cr.MP.No.3361 of 2025 dated 28.10.2025 and set aside the same and direct further investigation in Crime No.67/2024.

For Petitioner : Mr.R.Karunanidhi

For Respondent : Mr.D.Rajaboopathy,
Counsel for State of TN (Crl. side)



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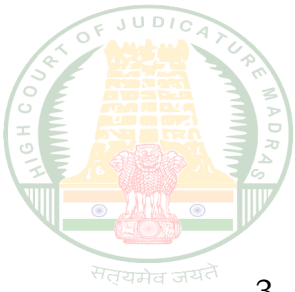
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ORDER

Prologue:

This Criminal Revision Case presents a grievance of a *de facto* complainant that a criminal investigation, born out of a serious incident inside a medical college hostel campus, has been brought to a premature burial under the caption “undetected”, without exhausting the avenues of investigation which the facts of the case reasonably demanded.

2. The petitioner is not a casual complainant. He is an Associate Professor in the Department of Nephrology, Tirunelveli Medical College, and was also functioning as the Senior Warden of the men’s hostel. The incident complained of is not an ordinary act of mischief occurring in a public street. It is alleged to have occurred in the backdrop of disciplinary action taken against senior students in connection with ragging of first-year students. Therefore, the complaint carried with it not merely an allegation of damage to a vehicle, but also a possible allegation of retaliatory intimidation against an officer who had acted against ragging.



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3. The Court is conscious that no person can be mechanically roped in merely on suspicion. Equally, an investigation cannot be closed as “undetected” when the surrounding circumstances, motive angle, place of occurrence, possible access to the hostel terrace, availability of campus witnesses, hostel records, disciplinary proceedings and other scientific possibilities have not been demonstrably examined.

4. The revisional jurisdiction of this Court is not intended to substitute the subjective suspicion of the complainant for proof. However, it is certainly intended to correct a jurisdictional failure, a mechanical acceptance of a closure report or a non-speaking order which fails to reflect application of judicial mind.

Case of the Prosecution / De facto Complainant:

5. The petitioner was working as an Associate Professor in the Department of Nephrology at Tirunelveli Medical College and was also the Senior Warden of the men’s hostel of the said college. According to the petitioner, he was entrusted with the responsibility of monitoring ragging activities among the students. On 22.04.2024,

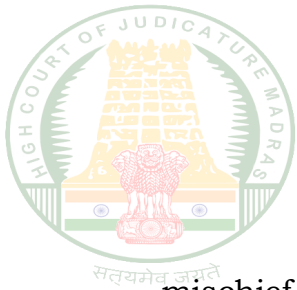


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he received information from Dr.Bharati, father of one Kishore, a first-year student, and from the mother of another first-year student, namely Suriya, that their sons had been subjected to ragging by senior students in the men's hostel.

6. Pursuant to the said information, the petitioner visited Valluvam Hostel Building and made enquiries. In the course of such enquiry, he came to know that one M.H.Ahamed Anwar and one Guhan, final-year MBBS students, had allegedly ragged the first-year students. Thereafter, disciplinary action was taken by the college management. M.H.Ahamed Anwar was initially suspended for a period of three months and thereafter permanently debarred from the hostel by order dated 07.05.2024.

7. The further case of the petitioner is that on 15.05.2024 at about 1.00 a.m., he had gone to drop his friend John Aaron Prabhu, a Post Graduate student in Forensic Medicine, at the hostel. At that time, unknown persons allegedly pelted a paver block from the terrace of Valluvam Hostel Building, which fell on the windshield of his car. The petitioner claims that the said act was not a mere act of



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mischief but was committed with an intention to cause his death or at least with the knowledge that such act was likely to cause serious bodily injury or death.

8. On the basis of his complaint, a case in Crime No.67 of 2024 was registered on 17.05.2024 by the respondent police for the offences under Section 427 of the Indian Penal Code and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. The investigation ultimately culminated in a closure report as “undetected”. Aggrieved by the same, the petitioner filed Cr.M.P.No. 3361 of 2025 before the learned Judicial Magistrate Court No.I, Tirunelveli, seeking further investigation.

9. The learned Judicial Magistrate, by order dated 28.10.2025, dismissed the said petition. Challenging the same, the present Criminal Revision Case has been filed.

Grounds Raised in the Criminal Revision Case:

10. The principal ground raised by the petitioner is that the learned Magistrate accepted the closure report and dismissed the

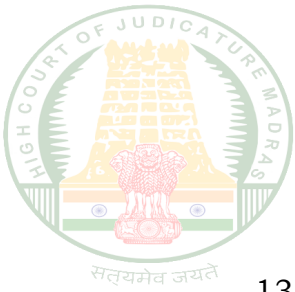


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protest petition by a cryptic and non-speaking order. It is further contended that the learned Magistrate failed to appreciate that the occurrence took place within a hostel campus and that the police ought to have investigated the access to the terrace, the presence of students in the building, hostel registers, duty registers, CCTV availability, mobile tower location, prior disciplinary proceedings and motive arising out of anti-ragging action.

11. The petitioner also contends that the respondent police treated the case as one of mere damage to property under Section 427 IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, without examining whether the factual allegations disclosed graver offences.

12. It is further submitted that when a heavy paver block was allegedly thrown from the terrace of a hostel building on the windshield of a car in which the petitioner was present or nearby, the investigating agency ought to have examined the ingredients of offences involving attempt, knowledge, intimidation and endangerment of life.



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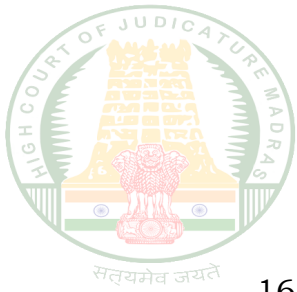
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13. The petitioner would submit that the investigation was neither fair nor complete and that the closure report as “undetected” was filed without exhausting reasonable and available investigative methods. It is also alleged that the learned Magistrate failed to assign independent reasons as to why further investigation was unnecessary.

Submissions on the side of the petitioner:

14. The learned counsel appearing for the petitioner submitted that the petitioner, being the Senior Warden of the men’s hostel, had discharged his official duty in preventing ragging and assisting the college administration in taking disciplinary action against the erring senior students. He submitted that the incident dated 15.05.2024 cannot be divorced from the earlier ragging episode dated 22.04.2024 and the consequential disciplinary action dated 07.05.2024.

15. According to the learned counsel, the alleged throwing of a paver block from the terrace of the hostel building was a serious act. If the block had directly hit the petitioner, the consequence could have been fatal.



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16. He further submitted that the respondent police failed to investigate the motive angle, failed to identify the persons who had access to the terrace at the relevant time and failed to collect material from the hostel administration. The learned counsel also submitted that the closure report as “undetected” reflects an incomplete investigation and not an impossible case.

17. He further submitted that the learned Magistrate was duty-bound to apply judicial mind to the protest petition, the closure report and the materials collected during investigation. However, the impugned order does not reveal such application of mind.

18. Therefore, he prayed that the impugned order may be set aside and further investigation may be directed by an officer other than the present Investigating Officer, under the supervision of a senior police officer.

Submissions on the side of the respondent:

19. Per contra, the learned Government Advocate appearing for the respondent police submitted that the FIR was duly registered and



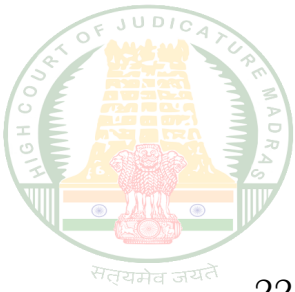
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investigation was conducted in accordance with law. He submitted that the petitioner had earlier approached this Court in CrI.O.P.(MD) No.14984 of 2024 seeking expeditious investigation and this Court directed the respondent police to complete the investigation within a period of three months.

20. Pursuant to the said direction, the respondent police examined as many as 21 witnesses and conducted investigation. The learned Government Advocate submitted that despite examination of witnesses, no material could be collected against any identifiable accused.

21. He further submitted that the investigating agency cannot falsely implicate students merely because the petitioner suspects that the incident may have been committed by persons aggrieved by the anti-ragging proceedings. He also submitted that the learned Magistrate considered the closure report, the protest petition and the materials available on record and thereafter accepted the closure report.



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22. Therefore, according to the learned Government Advocate, there is no illegality or perversity in the impugned order warranting interference by this Court in revisional jurisdiction.

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

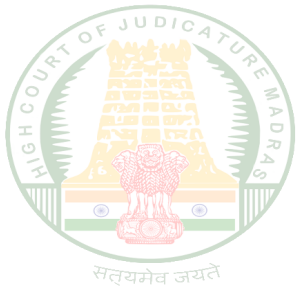
Point for Consideration:

24. The following point arises for consideration in this Criminal Revision Case:

Whether the order passed by the learned Judicial Magistrate Court No.I, Tirunelveli in Cr.M.P.No.3361 of 2025 dated 28.10.2025, accepting the closure report as “undetected” and refusing further investigation in Crime No.67 of 2024, suffers from non-application of mind, illegality or material irregularity warranting interference by this Court under Sections 438 read with 442 of BNSS, 2023?

Analysis:

25. When a final report is filed by the police stating that the case is “undetected” or “mistake of fact”, the Magistrate is not expected to act as a mere post office.



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26. Upon receipt of such report, the Magistrate has the following options:

- (i) to accept the closure report, after due notice to the *de facto* complainant;
- (ii) to reject the closure report and take cognizance if the materials disclose commission of an offence;
- (iii) to treat the protest petition as a complaint, if the facts so warrant;
- (iv) to direct further investigation where the investigation appears incomplete, unfair, perfunctory or inadequate.

27. The power to direct further investigation is not an ornamental power. It is intended to ensure that the truth is not sacrificed at the altar of an incomplete investigation.

28. At the same time, further investigation cannot be ordered merely because the complainant is dissatisfied with the result of investigation. The Court must find that relevant aspects have not been investigated, material witnesses have not been examined,



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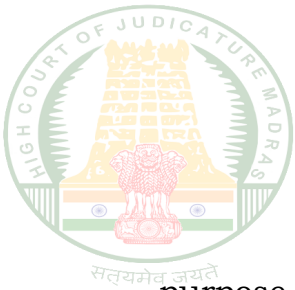
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scientific or circumstantial leads have not been pursued, or the final report does not inspire judicial confidence.

29. A protest petition is not to be dismissed by a mechanical order. The order must indicate that the learned Magistrate has considered the complaint, the FIR, the statements of witnesses, the final report, the objections of the *de facto* complainant and the necessity or otherwise of further investigation.

30. The FIR was registered for the offence under Section 427 IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. Section 427 IPC deals with mischief causing damage to the amount prescribed under the provision. The emphasis under Section 427 IPC is on wrongful loss or damage to property.

31. Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, is attracted when damage is caused to public property or property covered by the said enactment. The



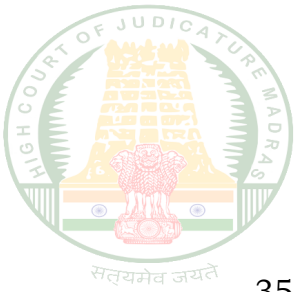
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purpose of the Act is to deal with acts of vandalism and damage to public property.

32. However, the facts alleged by the petitioner are not confined to the breaking of a windshield. The allegation is that a paver block was thrown from the terrace of a hostel building at about 1.00 a.m., in the immediate background of disciplinary action taken against students for ragging.

33. Therefore, the investigating agency ought to have examined whether the facts disclosed only an offence against property or whether the manner of occurrence also disclosed offences involving danger to human life, criminal intimidation, common intention, attempt or other allied offences.

34. It is not for this Court at this stage to conclude that a graver offence is made out. However, this Court is entitled to examine whether the investigation has addressed the section-specific ingredients which naturally arise from the facts alleged.



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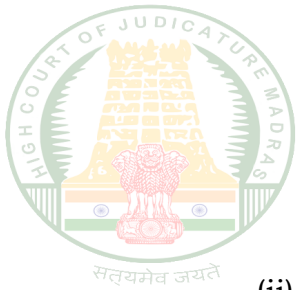
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35. If a heavy object is thrown from a height towards a vehicle in which a person is travelling or standing nearby, the investigating officer must necessarily examine the angle of intention, knowledge, possible bodily injury and the circumstances indicating whether the act was merely mischievous or potentially homicidal. The final report as “undetected” cannot be sustained merely by stating that the accused could not be identified, unless the record shows that all reasonable efforts to identify the accused were undertaken.

36. The occurrence is said to have taken place inside the premises of Tirunelveli Medical College men’s hostel, particularly near Valluvam Hostel Building. The place of occurrence is therefore not an open, unregulated public space. It is a controlled institutional campus, where the movement of students, inmates, wardens, security personnel and outsiders could reasonably be verified.

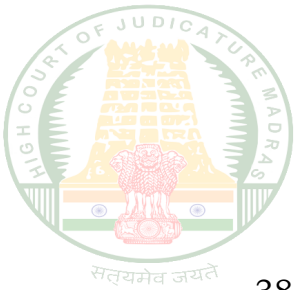
37. In such a case, the investigating agency was expected to examine the following aspects:

(i) who were the inmates of Valluvam Hostel Building on the date and time of occurrence;



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- (ii) who had access to the terrace;
- (iii) whether the terrace was locked or freely accessible;
- (iv) whether any security personnel were on duty;
- (v) whether hostel entry registers, movement registers or night duty records were maintained;
- (vi) whether CCTV cameras were available in and around the hostel building;
- (vii) whether call detail records or location details of suspects were examined, subject to legal requirements;
- (viii) whether the students against whom disciplinary action was taken were questioned in the context of motive;
- (ix) whether other students in the hostel heard or saw anything at the relevant time;
- (x) whether the paver block was seized and subjected to any forensic examination;
- (xi) whether the angle, height and trajectory of the object were examined;
- (xii) whether the petitioner's earlier anti-ragging action was treated as a relevant circumstance.



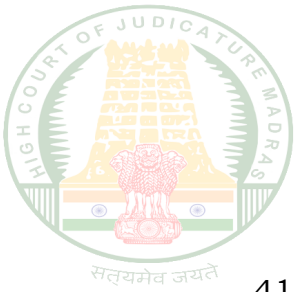
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38. The respondent police would submit that 21 witnesses were examined. Mere numerical examination of witnesses is not a substitute for a meaningful investigation. The quality of investigation cannot be measured by the number of statements recorded, but by whether the relevant questions arising from the facts have been addressed.

39. In the present case, the alleged incident had a clear institutional background. The petitioner had acted in his official capacity as Senior Warden against ragging. The alleged attack occurred shortly thereafter. This sequence of events could not have been brushed aside as a mere coincidence without proper investigation.

40. The learned Magistrate, while considering the protest petition, was required to examine whether the closure report had dealt with these material aspects. A closure report as “undetected” may be inevitable in certain cases. But such inevitability must arise after a complete investigation and not before it.



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41. The impugned order does not indicate that the learned Magistrate independently considered the specific objections raised by the petitioner. The order also does not reflect any discussion as to why further investigation was unnecessary despite the serious factual background of the case. The order of the learned Magistrate is therefore cryptic and does not satisfy the requirement of a reasoned judicial order.

42. Reasons are the heartbeat of judicial orders. Particularly when a *de facto* complainant approaches the learned Magistrate complaining of incomplete investigation, the order must reveal that the Court has considered the grievance with seriousness. In the absence of such consideration, the order becomes vulnerable to interference in revision.

43. This Court is conscious of the limited scope of revisional jurisdiction. The revisional Court does not ordinarily interfere with every order passed by the learned Magistrate. However, where the order suffers from non-application of mind, where relevant materials have not been considered, where the investigation appears



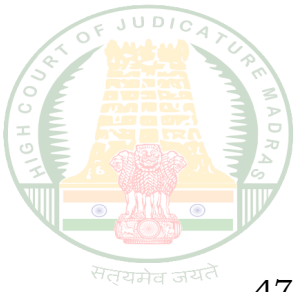
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incomplete and where the learned Magistrate has failed to exercise jurisdiction vested in law, interference is justified.

44. The present case is not one where the petitioner seeks conviction of any named student by way of revision. The limited prayer is for further investigation by a different competent officer under senior supervision.

45. Such a direction, in the facts of the case, would serve the interest of both sides. If no offender is traceable even after a proper further investigation, the truth will stand recorded. If the earlier investigation was incomplete, the defect can be cured. Either way, the administration of criminal justice will be strengthened.

46. This Court also makes it clear that further investigation shall not be used as a tool to harass any student or person merely on suspicion. The investigating officer shall proceed strictly in accordance with law and on the basis of materials.



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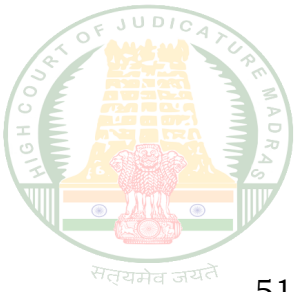
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47. This Court finds that the impugned order dated 28.10.2025 passed by the learned Judicial Magistrate Court No.I, Tirunelveli in Cr.M.P.No.3361 of 2025 is not a reasoned order. This Court further finds that the facts of the case required a more careful judicial consideration before accepting the closure report as “undetected”.

48. The background of ragging, the disciplinary action taken by the college administration, the petitioner’s role as Senior Warden, the alleged throwing of a paver block from a hostel terrace at midnight and the possible motive angle are circumstances which warranted further investigation.

49. The learned Magistrate ought not to have dismissed the protest petition in a mechanical manner. Therefore, this Court is inclined to set aside the impugned order and direct further investigation.

50. In the result, this Criminal Revision Case is **allowed**.



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51. The order passed by the learned Judicial Magistrate Court No.I, Tirunelveli in Cr.M.P.No.3361 of 2025 dated 28.10.2025 is set aside.

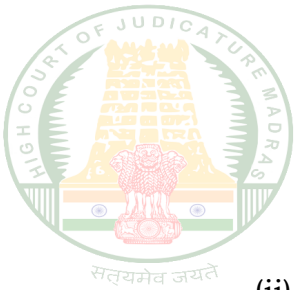
52. The closure report filed by the respondent police in Crime No.67 of 2024 as “undetected” shall not be acted upon at this stage.

53. The Commissioner of Police, Tirunelveli City, shall nominate a competent police officer, not below the rank of Deputy Superintendent of Police / Assistant Commissioner of Police, other than the officer who earlier conducted the investigation, to conduct further investigation in Crime No.67 of 2024.

54. The further investigation shall be conducted under the direct supervision of a senior police officer to be nominated by the Commissioner of Police, Tirunelveli City.

55. The further investigating officer shall specifically examine:

(i) the anti-ragging complaint dated 22.04.2024 and connected college records;

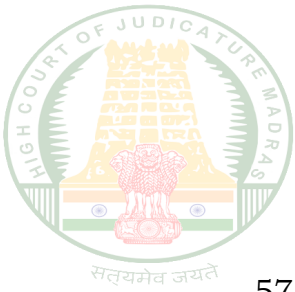


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- (ii) the disciplinary proceedings dated 07.05.2024;
- (iii) the hostel occupancy, movement and access records relating to Valluvam Hostel Building;
- (iv) availability of CCTV footage or reasons for its non-availability;
- (v) access to the terrace of the hostel building;
- (vi) the presence and movement of students, security personnel and other persons at the relevant time;
- (vii) seizure and scientific examination of the material object, if available;
- (viii) whether the facts disclose any offence other than Section 427 IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992;
- (ix) all other relevant circumstances necessary for a fair and complete investigation.

56. The further investigation shall be completed as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.



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57. On completion of further investigation, the final report / supplementary report shall be filed before the jurisdictional Magistrate in accordance with law.

58. It is made clear that this Court has not expressed any opinion on the guilt or otherwise of any person. The investigating agency shall proceed independently, fairly and strictly in accordance with law.

Epilogue:

59. A medical college hostel is not merely a building of residence. It is an institutional space where young minds are expected to be protected from fear, coercion and intimidation. When a Senior Warden entrusted with the duty of curbing ragging complains that an act of violence followed disciplinary action taken against ragging, the criminal justice system cannot afford to respond with a shrug of helplessness unless every reasonable investigative door has been opened and examined.

60. Ragging is not youthful exuberance gone astray. It is a corrosive assertion of power. When authority intervenes to prevent it,



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the law must ensure that such intervention is not met with silence, threat or retaliation.

61. This Court does not presume guilt. But this Court cannot permit incompleteness to masquerade as conclusion. A report of “undetected” is legally acceptable only when the investigation has first become complete, fair and meaningful.

62. The majesty of criminal law lies not in securing conviction at any cost, but in ensuring that truth is pursued through lawful, impartial and diligent investigation. That pursuit, in the present case, requires one more honest step.

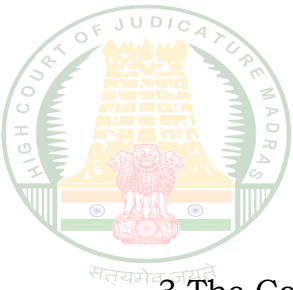
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NCC : Yes / No
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Internet : Yes/ No
Sml
To

1. The Judicial Magistrate,
Tirunelveli.
2. The Inspector of Police,
High Ground Police Station,
Tirunelveli City,
Tirunelveli District.

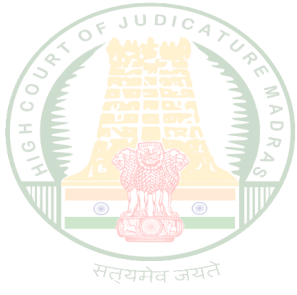


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3.The Commissioner of Police,
Tirunelveli City.

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



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L.VICTORIA GOWRI, J.

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