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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01 .06.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7060 of 2020

D. Anand @ Anantharangan

... Petitioner

Vs.

1. The Superintendent of Police,
E.O.W.II,
Thiru. Vi.Ka. Industrial estate,
Guindy
Chennai-600 032 .

2. The Inspector of police,
E.O.W. II, Villupuram,

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent police to register the case based on the complaint lodged by the petitioner dated 19.07.2019 on the file of the 2nd respondent police.

For Petitioner : Mr.T. Dhanasekaran

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the respondent police to register a case on the complaint of the petitioner dated 19.07.2019.

2. Heard Mr.T. Dhanasekaran learned counsel for the petitioner and Mr.M.Mohamed Riyaz learned Additional Public Prosecutor for the respondents.

3. In view of the Judgment of the Hon'ble Division Bench of this Court in Crl.O.P.(MD)No.13681 of 2018 and batch of



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(ix) This Court is not bound to direct the police to register the complaint in all cases not withstanding the breach of time table furnished in Lalitha Kumari's case.

(x) The judicial Magistrates, while dealing the petitions under Sections 156(3) Cr.P.C. are directed to keep in mind the narratives in Lalitha Kumari's case with specific reference to the cases, which might require a preliminary enquiry before issuing a direction to investigate and after careful perusal of the complaint. The other directions issued by the learned Single Judge in Sugesan Transport's case are upheld.

(xi) Eschewing Section 156(3) Cr.P.C. is only on exceptional and rarest of rare cases. Monstrosity of the offence, extreme official apathy and indifference, need to answer the judicial conscience, and existence of hostile environment are few of the factors to be borne in mind to bring a case under the rarest of rare one."

However, liberty is granted to the petitioner to work out his remedy in accordance with the guidelines issued by the Hon'ble Division Bench in the decision referred supra.

4. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

smn

To

1. The Superintendent of Police,
E.O.W.II,
Thiru. Vi.Ka. Industrial estate,
Guindy - 600 032.



2. The Inspector of police,
E.O.W. II, Villupuram.

3. The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.7060 of 2020

PVS (CO)
GS (08/07/2020)