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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.13389 of 2020

M.R.Bharath Kumar

... Petitioner

-Vs-

1. The Commissioner of Police,  
Greater Chennai Corporation,  
No.132, Commissioner Office Building,  
EVK Sampath Road, Vepery, Periyamet,  
Chennai - 600 007.

2. The Inspector,  
V5, Police Station, No.3-4, School Road,  
D Sector, Anna Nagar West Extension,  
Chennai - 600 101.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent police to register an FIR on complaint dated 22.06.2020.

For Petitioner : Mr.V.Raghavachari

For Respondents: Mr.S.Karthikeyan,  
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent police to register an FIR on complaint dated 22.06.2020.

2. Heard Mr.Mr.V.Raghavachari, learned counsel for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor for the respondent.

3. In view of the Judgment of the Hon'ble Division Bench of this Court in CrI.O.P.(MD)No.13681 of 2018 and batch of cases, dated 20.09.2018, the petition of this nature is not maintainable before this Court. The relevant portion of the said order is extracted herewith:-





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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

To

1. The Commissioner of Police,  
Greater Chennai Corporation,  
No.132, Commissioner Office Building,  
EVK Sampath Road, Vepery, Periyamet,  
Chennai - 600 007.
2. The Inspector,  
V5, Police Station, No.3-4, School Road,  
D Sector, Anna Nagar West Extension,  
Chennai - 600 101.
3. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.V.Raghavachari, Advocate, Sr.No.28557

Cr1.O.P.No.13389 of 2020

kk (co)  
rr ii (18/09/2020)