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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 31780 of 2019

E.Chandrappa

. Petitioner

Vs.

1. The Superintendent of Police,
Krishnagiri District.

2. State rep. by
Inspector of Police,
Anti Land Grabbing Special Cell,
Krishnagiri,
Krishnagiri District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 1st and 2nd respondents to take further action on the complaint dated 05.11.2019 on the file of the second respondent.

For Petitioner : Mr.T.Sundaravadanam

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 05.11.2019.

2. Heard Mr.T.S.Sundaravadanam, learned counsel for the petitioner and Mr.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 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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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(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Krishnagiri District.
2. Inspector of Police,
The State of Tamil Nadu,
Anti Land Grabbing Special Cell,
Krishnagiri, Krishnagiri District.



3. The Public Prosecutor,
High Court, Madras.

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+1cc to Mr.T.Sundaravadanam, Advocate Sr.24203

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ak[co]
srg 15/07/2020