



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.425 of 2022

V.Dorai

... Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai-600 007.

2. The Inspector of Police,
D.1 Police Station,
Triplicane,
Chennai-600 005.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., pass an order of direction, to pass an order or direction, directing the second respondent to Register a FIR and investigate the same based on the complaint of the petitioner dated 09.10.2020 and 12.8.2021 on the file of the respondents herein.

For Petitioner : Mr.M.Ramadoss

For Respondents: Mr.A.Gokulakrishnan,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the second respondent to Register a FIR and investigate the same based on the complaint of the petitioner dated 09.10.2020 and 12.8.2021 on the file of the respondents herein.

2. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents would submit that based on the complaint given by the petitioner, enquiry has been conducted and the same is pending on the file of the second respondent police.



3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

4. The Division Bench of this Court in G.Prabhakaran v. The Superintendent of Police, Thanjavur, reported in (2018) 2 LW CrI 489 and the Hon'ble Supreme Court in its latest judgment rendered by a three Judge Bench in M.Subramaniam v. S.Janaki, reported in (2020) 5 CTC 464, after relying upon Sakiri Vasu's Case, has categorically held that the High Court cannot issue any direction for registration of FIR. High Court can intervene only in extraordinary circumstances and rare cases. However, taking note of the fact that the complaint is now pending and not been enquired, the Investigation officer is directed to issue notice to the parties and conduct enquiry as directed by the Hon'ble Apex Court in the case of Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]. If any cognizable offence is made out, the respondent police is bound to register the FIR otherwise they may close the complaint. Such exercise shall be completed within a period of two weeks from today.

5. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

shk/nr/sha

To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.
2. The Inspector of Police,
D.1 Police Station,
Triplicane, Chennai-600 005.
3. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.M.Ramadoss, Advocate SR.No.35777

CrI.O.P.No.425 of 2022

SKM(CO)

GMV(27/06/2022)