



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.3697 of 2022

Akbar Mohideen

... Petitioner

Vs.

The Inspector of Police,
M1 Police Station,
Madhavaram,
Chennai - 600 110.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register FIR (First Information Report) base on the petitioner's complaint dated 16.01.2021 followed by another complaint dated 15.04.2021 in CSR No.413 of 2021 dated 09.07.2021.

For Petitioner : Mr.T.A.Srinivasan

For Respondent : Mr.N.Muthuvel
Government Advocate (Criminal Side)

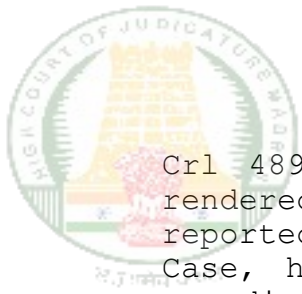
O R D E R

This Criminal Original Petition has been filed to direct the respondent to register FIR (First Information Report) base on the petitioner's complaint dated 16.01.2021 followed by another complaint dated 15.04.2021 in CSR No.413 of 2021 dated 09.07.2021.

2. Mr.N.Muthuvel, learned Government Advocate for the respondent 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 respondent police.

3. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent.

4. The Division Bench of this Court in G.Prabhakaran v. The Superintendent of Police, Thanjavur, reported in (2018) 2 LW



Crl 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-II)

//True Copy//

Sub Assistant Registrar

ham/mtl

To

1. The Inspector of Police,
M1 Police Station,
Madhavaram,
Chennai - 600 110.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.A.Srinivasan, Advocate, S.R.No.35241

Crl.O.P.No.3697 of 2022

SKM(CO)
UMA(29/06/2022)