



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14/06/2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.3208 OF 2022

Bojja Venkata Subrahmanyam

... Petitioner/Accused

.Vs.

1. The Director General of Police,
No.1, Dr.Radhakrishna Salai,
Opp to Queen Marys College,
Mylapore, Chennai - 600 004.
2. The Deputy Inspector General of Police,
7/9, Varadaraja Pannai,
Vandavasi Road,
Kanchipura - 631 501.
3. The Inspector of Police,
District Crime Branch,
Anti Land Grabbing Special Cell,
Thiruvallur.

... Respondents/Complainant

PRAYER:- This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to register an FIR in respect of the petitioner's complaint dated 29/1/2022 bearing Reference No.EUB22017313 and the petitioner's complaint lodged through Registered Post to the respondent herein duly investigate the same and prosecute the offenders in accordance with law.

For Petitioner : M/s.Y.Kavitha

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondents to register FIR in respect of the petitioner's complaint dated 29/1/2022 bearing Reference No.EUB22017313 and



the petitioner's complaint lodged through Registered Post to the respondents and prosecute the offenders in accordance with law.

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 third 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(CO)

//True Copy//

Sub Assistant Registrar

mvs

To

1. The Director General of Police,
No.1, Dr.Radhakrishna Salai,
Opp to Queen Marys College,
Mylapore, Chennai - 600 004.



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