



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.3064 OF 2022

Kamakchi

...Petitioner

Vs.

1.The Superintendent of Police,
Chengelpet District,
Chengelpet.

2.The Inspector of Police,
Maraimalainagar Police Station,
Maraimalainagar,
Chengelpet District.

...Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to direct the respondents to register FIR on the basis of the petitioner's complaint dated 27.12.2021.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.N.Muthuvel
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondents to register FIR on the basis of the petitioner's complaint dated 27.12.2021.

2. When the matter is taken up for hearing, learned Government Advocate (Crl.Side) appearing for the respondents, on instructions submitted that the case has been transferred to CCB, Tambaram on point of jurisdiction.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) 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. However, taking note of the fact that the complaint is 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 direction, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

ham/rgi

To

1. The Superintendent of Police,
Chengelpet District.
2. The Inspector of Police,
Maraimalainagar Police Station,
Maraimalainagar,
Chengelpet District.
3. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.3064 of 2022

PL (CO)
RVM(24/06/2022)