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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.4508 of 2022

Kalyan Jewelers India Private Limited,
North Usman Road,
T.Nagar, Chennai-600 017
Representated by its Regional Manager
Mr.L.Sathish Kumar

...Petitioner

Vs.

1. The Inspector of Police,
S-13, Chromepet Police Station,
GST Road, Chromepet, Chennai.
(CSR.No.453 of 2021)

2. The Inspector of Polcie,
R-4, Soundarapandianar Angadi Police Station,
No.68, Sir Theagaraya Road,
Pondy Bazaar, Chennai,
Tamil Nadu 600 017.

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the "closure report" dated 08.01.2022 issued by the first respondent and consequently direct the 1st respondent herein to register a case on the petitioner's complaint dated 19.10.2021 vide CSR bearing No.453 of 2021 and proceed with the investigation

For Petitioner : Mr.G.R.Hari

For Respondents: Mr.A.Gokulakrishnan for R1
and R2

Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to set aside the "closure report" dated 08.01.2022 issued by the first respondent and consequently direct the 1st respondent herein to register a case on the petitioner's complaint dated 19.10.2021 vide CSR bearing No.453 of 2021 and proceed with the



investigation.

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 respondent.

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-VIII)

//True Copy//

Sub Assistant Registrar

nr/shk

To

1. The Inspector of Police,
S-13, Chromepet Police Station,
GST Road, Chromepet,
Chennai.
(CSR.No.453 of 2021)



2. The Inspector of Polcie,
R-4, Soundarapandianar Angadi Police Station,
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3. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.4508 of 2022

EV (CO)
RGA (24/06/2022)