



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

CrI.O.P.No.4717 of 2022

K.Shaik Mohammed Zubair

... Petitioner

Vs.

1.The State

Rep by the Commissioner of Police,
Greater Chennai,
O/o.Commissioner of Police,
Vepery, Chennai - 600 007.

2.The Inspector of Police,

N-2, Royapuram Police Station,
Chennai - 600 013.

3.H.Ghouse Basha

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to pass an appropriate order, directing the 1st and 2nd respondents to register a case on the complaint of the petitioner dated 10.03.2021 and investigate the same in accordance with law.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.N.Muthuvel
R1 & R2 Government Advocate
(Criminal Side)

O R D E R

This Criminal Original Petition has been filed to pass an appropriate order, directing the 1st and 2nd respondents to register a case on the complaint of the petitioner dated 10.03.2021 and investigate the same in accordance with law.

2. Mr.N.Muthuvel, learned Government Advocate 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 Government Advocate for the respondents.

4. The Division Bench of this Court in G.Prabhakaran v. The Superintendent of Police, Thanjavur, reported in (2018) 2 LW Cr1 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-III)

//True Copy//

Sub Assistant Registrar

ham/mtl

To

1.The State

Rep by the Commissioner of Police,
Greater Chennai,
O/o.Commissioner of Police,
Vepery, Chennai - 600 007.

2.The Inspector of Police,

N-2, Royapuram Police Station,
Chennai - 600 013.

3.The Public Prosecutor,

High Court, Madras.

+lcc to Mr.C.K.M.Appaji, Advocate, S.R.No.35509

Cr1.O.P.No.4717 of 2022

SKM(CO)

SB(30/06/2022)