



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.5662 OF 2022

L.Karthick

... Petitioner

.Vs.

1. The Commissioner of Police,
EVK Sampath salai,
Vepery, Chennai - 600 007.

2. The Inspector of Police,
Economic Offence Wing,
SIDCO Building, 1st Floor,
Guindy, Chennai - 600 032.

... Respondents

PRAYER:-

This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent police to register FIR on the basis of the complaint given by the petitioner dated 08.12.2021 and investigate the matter in accordance with law.

For Petitioner : Mr.S.Chandrasekar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
For R1 and R2

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent police to register FIR on the basis of the complaint given by the petitioner dated 08.12.2021 and investigate the matter.

2. When the matter is taken up for hearing, learned Additional Public Prosecutor on instructions submitted that the case has been transferred to Cyber Crime, Chennai on point of jurisdiction.



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 transferred and 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 II)

//True Copy//

Sub Assistant Registrar

nr/shk

To

1. The Commissioner of Police,
EVK Sampath salai,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
Economic Offence Wing,
SIDCO Building, 1st Floor,
Guindy, Chennai - 600 032.
3. The Inspector of Police,
Cyber Crime,
Chennai.



4. The Public Prosecutor,
High Court of Madras.

+2ccs to Mr.S.Chandrasekar, Advocate, S.R.No.35053

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SKM(CO)
PBS/29/06/2022