



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.7661 of 2022

V.Palaniraj

... Petitioner

Vs.

The Inspector of Police,
Thirukkanur Police Station,
XJWM+7pc,
Thirukkanur,
Puducherry 605 501

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent to register the case based on the complaint given by the petitioner dated on 22.01.2022 and file a FIR.

For Petitioner : Mr.S.Mohammed Madhar Moidheen

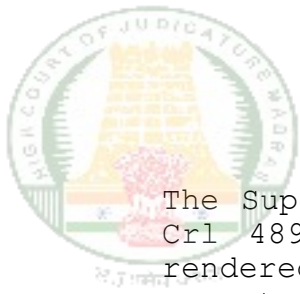
For Respondent : Mr.V.Balamurugane,
Additional Public Prosecutor (Pondicherry)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the second respondent to register the case based on the complaint given by the petitioner dated on 22.01.2022 and file a FIR.

2. When the matter is taken up for hearing, learned Additional Public Prosecutor (Pondicherry) on instructions submitted that the case has been transferred to Mettupalayam Police Station on point of jurisdiction.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Public Prosecutor).



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 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

shk/nr

To

1.The Inspector of Police,
Thirukkanur Police Station,
XJWM+7pc,
Thirukkanur,
Puducherry 605 501

2.The Public Prosecutor,(Puducherry)
High Court of Madras, Madras.

Cr1.O.P.No.7661 of 2022

br(CO)
A.SK(04/07/2022)