



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Crl.O.P.No.6880 of 2022

Hadi Mohammed

...Petitioner

Vs.

1. State by the Inspector of Police,
V-6, Kolathur Police Station,
Kolathur, Chennai-600 099.

2. Mathi

3. Sowmiya Latha

[R2 and R3 impleaded as per order
in Crl.M.P.No.5103/2022
in Crl.O.P.No.6880/2022 dated 19.04.2022]

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the Respondent police to register a case on the complaint dated 15.03.2022 given by the petitioner and investigate according to the law.

For Petitioner : Mr.G.Anbarasu
For R1 : Mr.A.Gokulakrishnan,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the Respondent police to register a case on the complaint dated 15.03.2022 given by the petitioner.

2. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the first respondent would submit that based on the complaint given by the petitioner, enquiry has been conducted in C.S.R.No.75 of 2022 and the same is pending on the file of the first respondent police.

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

True Copy//

Sub Assistant Registrar

shk/nr/sha

To

1. The Inspector of Police,
V-6, Kolathur Police Station,
Kolathur, Chennai-600 099.
2. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.B.Sethupathy, Advocate, S.R.No.34762

CrI.O.P.No.6880 of 2022

PM[co]
NSK/22/06/2022