



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.7422 OF 2022

S.Kumar

... Petitioner

Vs.

1. The Superintendent of Police,
Kallakurichi District,
Kallakurichi.

2. The Inspector of Police,
Thiyagadurgam Police Station,
Kallakurichi District.

... Respondents

Prayer:

Criminal Original Petition filed under Section 482 Cr.P.C.,
pleased to issue a suitable direction to the 2nd respondent
police to register a case on the basis of petitioner's complaint
dated 20.01.2022.

For Petitioner : Mr.A.Sasikumar

For Respondents: Mr.N.Muthuvel

Government Advocate (Crl.Side)

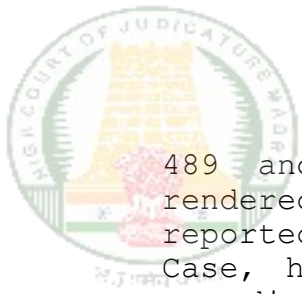
ORDER

This Criminal Original Petition has been filed seeking to
direct the second respondent to register a case, based on the
petitioner's complaint dated 20.01.2022.

2. When the matter is taken up for hearing, learned
Government Advocate (Crl.Side) appearing for the respondents, on
instructions submitted that the case has been transferred to
Elanchanasoor Police Station, on point of jurisdiction.

3. Heard the learned counsel for the petitioner and the
learned Government Advocate (Crl.Side) 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. However, taking note of the fact that the complaint is 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

//True Copy//

Sub Assistant Registrar

ham/rgi

To

1. The Superintendent of Police,
Kallakurichi District.
2. The Inspector of Police,
Thiyagadurgam Police Station,
Kallakurichi District.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.A.Sasikumar, Advocate, S.R.No.35971

Cr1.O.P.No.7422 of 2022

SKM(CO)
PM/27/06/2022