



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.8103 of 2022

Gajendran

... Petitioner

Vs.

State rep. by
The Inspector of Police,
V-1 Police Station,
Villivakkam,
Chennai - 600 049.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register the case on the complaint given by the petitioner dated 10.02.2022 and proceed with the investigation.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.N.Muthuvel
Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondent to register the case on the complaint given by the petitioner dated 10.02.2022 and proceed with the investigation.

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 respondent police.

3. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent.

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-II)

//True copy//

Sub Assistant Registrar

ham/mtl

To

1. The Inspector of Police,
V-1 Police Station,
Villivakkam,
Chennai - 600 049.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Doraisamy, Advocate SR.No.35817

Crl.O.P.No.8103 of 2022

SKM(CO)
GMY(29/06/2022)