



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.7726 OF 2022

Pachaiyammal

... Petitioner

.Vs.

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

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

... Respondents

PRAYER:-

This Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to directing the 2nd respondent to register a FIR based on a complaint of the petitioner dated 12.04.2020 and investigating the same in accordance with law.

For Petitioner : Mr.M.Velmurugan

For R1 & R2 : Mr.N.Muthuvel
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to register a FIR based on a complaint of the petitioner dated 12.04.2020 and investigate the same in accordance with law.

2. Mr.N.Muthuvel, learned Government Advocate (Crl. Side) appearing for the respondent police submitted that based on the complaint given by the petitioner, enquiry has been conducted and the same is pending on the file of the 2nd respondent police.



3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police.

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(CS VI)

//True Copy//

Sub Assistant Registrar

rgi/ham

To

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

CRL.O.P.NO.7726 OF 2022

PMK(CO)
PBS/24/06/2022