



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P. No.8256 of 2022

Gunasekaran

... Petitioner

Vs.

1. The Inspector General of Police,
Economic Offence Wing (EOW),
Guindy, Chennai - 600 032.
presently having office at
Police Training School Campus,
Ashok Nagar, Chennai - 600 083.

2. The Deputy Superintendent of Police,
Economic Offence Wing (EOW),
Police Training School Campus,
Ashok Nagar, Chennai - 600 083.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to issue suitable direction to the second respondent herein viz., Deputy Superintendent of Police, Economic Offence Wing (EOW), Police Training School Campus, Ashok Nagar, Chennai - 600 083 to register the petitioner's complaint dated 20.09.2021 and file a final report in accordance with law.

For Petitioner : Mr.K.Balu

For Respondents : Mr.N.Muthuvel
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the second respondent herein viz., Deputy Superintendent of Police, Economic Offence Wing (EOW), Police Training School Campus, Ashok Nagar, Chennai - 600 083 to register the petitioner's complaint dated 20.09.2021 and file a final report in accordance with law.



2. Mr.N.Muthuvel, learned Government Advocate (Crl. Side) 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 second respondent police.

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

4. The Division Bench of this Court in G.Prabhakaran v. The Superintendent of Police, Thanjavur, reported in (2018) 2 LW Crl 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-IX)

//True copy//

Sub Assistant Registrar

nti/rsi

To

1. The Inspector General of Police,
Economic Offence Wing (EOW),
Guindy, Chennai - 600 032.
presently having office at
Police Training School Campus,
Ashok Nagar, Chennai - 600 083.



2. The Deputy Superintendent of Police,
Economic Offence Wing (EOW),
Police Training School Campus,
Ashok Nagar, Chennai - 600 083.

3. The Public Prosecutor,
High Court of Madras.

Crl.O.P. No.8256 of 2022

RK(CO)
GMY(07/07/2022)