



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.8611 of 2022

Gangadharan

... Petitioner/Defacto Complainant

Vs.

1. State represented by,

The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Adyar, Chennai.

2. The Inspector of Police,
Adyar Police Station,
Chennai.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to grant an order of direction directing the 2nd respondent police to Register the case based on the complaint dated 12.03.2021 given by the petitioner in CSR No.121 of 2021 dated 19.03.2021 and investigate the same in accordance with law.

For Petitioner : Mr.R.Sasikumar

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

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent police to Register the case based on the complaint dated 12.03.2021 given by the petitioner in CSR No.121 of 2021 dated 19.03.2021 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 in CSR No.121 of 2021 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-IV)

//True copy//

Sub Assistant Registrar

rgi/ham

To

1. The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Adyar, Chennai.
2. The Inspector of Police,
Adyar Police Station,
Chennai.
3. The Public Prosecutor,
Madras High Court, Chennai.

CrI.O.P.No.8611 of 2022

VG II(CO)
GMY(27/06/2022)