



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.8756 of 2022

Murugesan

... Petitioner

Vs.

State represented by its,

1. The Superintendent of Police,
Office of the Superintendent,
Thiruvallur - 601 102.,

2. The Inspector of Police,
Periyapalayam Police Station,
Periyapalayam,
Thiruvallur - 601 102.

3. The Inspector of Police,
District Crime Branch,
Thiruvallur.
(R3 suo-motu impleaded as per order in
Crl.O.P.No.8756/2022 dated 19.04.2022)

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to direct the 2nd respondent to register an FIR based on the complaint dated 06.12.2021 made by the petitioner and pass suitable orders therefore in the nature.

For Petitioner : Mr.G.Mohammed Aseef

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 an FIR based on the petitioner's complaint dated 06.12.2021.

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 District Crime Branch, Thiruvallur, 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 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. 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(CS-VI)

//True Copy//

Sub Assistant Registrar

ham/rgi

To

1. The Superintendent of Police,
Thiruvallur - 601 102.
2. The Inspector of Police,
Periyapalayam Police Station,
Thiruvallur - 601 102.
3. The Inspector of Police,
District Crime Branch,
Thiruvallur.
4. The Public Prosecutor,
High Court of Madras.

+lcc to Mr.G.Mohammed Aseef, Advocate, S.R.No.35207

Crl.O.P.No.8756 of 2022

MG(CO)
SB(24/06/2022)