



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.8753 of 2022

Divya

...Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai Police Commissionerate,
Vepery, Chennai.

2. The Inspector of Police,
All Women Police Station,
Saidapet, Chennai.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to issue suitable direction to the 2nd respondent herein viz., The Inspector of Police, All Women Police Station, Saidapet, Chennai to register the petitioner's complaint dated 04.04.2022 and file a final report in accordance with law.

For Petitioner : Mr.S.Sasikumar

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

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent herein viz, The Inspector of Police, All Women Police Station, Saidapet, Chennai to register the petitioner's complaint dated 04.04.2022 and file a final report in accordance with law.

2.When the matter is taken up for hearing, Mr.N.Muthuvel, learned Government Advocate (Crl.Side) on instructions submitted that the case has been transferred to W26, All Women Police Station, Ashok Nagar, Chennai on point of jurisdiction.

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



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. 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(CO)

//True Copy//

Sub Assistant Registrar

rgi/ham

To

1. The Commissioner of Police,
Greater Chennai Police Commissionerate,
Vepery, Chennai.
2. The Inspector of Police,
All Women Police Station,
Saidapet, Chennai.
3. The Public Prosecutor,
Madras High Court, Chennai.

Cr1.O.P.No.8753 of 2022

PA(CO)
RGA(23/06/2022)