



Crl.O.P.No.8889 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM:

THE HON'BLE **MR.JUSTICE N.SATHISH KUMAR**

CRL.O.P.No.8889 of 2022
and Crl.M.P.No.7698 of 2022

U.Ayyasamy

... Petitioner

Vs.

1.The Superintendent of Police
Coimbatore

2.The Inspector of Police
Anit-Land Grabbing Cell
Coimbatore

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the 2nd respondent to register a case and investigate the
complaint dated 23.02.2022 given by the petitioner.

For Petitioner : Mr.G.R.Deepak

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor



Crl.O.P.No.8889 of 2022

ORDER

WEB COPY This Criminal Original Petition filed is under Section 482 of Cr.P.C., to direct the 2nd respondent to register a case and investigate the complaint dated 23.02.2022 given by the petitioner.

2. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents would submit that the complaint of the petitioner is pending on the file of the 2nd respondent and F.I.R. would be registered after conducting due enquiry.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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 repeatedly held that the



Crl.O.P.No.8889 of 2022

High Court cannot issue any direction for registration of F.I.R. 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 F.I.R 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. Consequently, the connected miscellaneous petition is closed.

28.06.2022

Index : Yes / No
Internet: Yes
Speaking/non speaking order

kas



WEB COPY



Crl.O.P.No.8889 of 2022

N.SATHISH KUMAR, J.

kas

To

1.The Superintendent of Police
Coimbatore

2.The Inspector of Police
Anit-Land Grabbing Cell
Coimbatore

3.The Public Prosecutor,
High Court of Madras.
Chennai – 600 104.

CRL.O.P.No.8889 of 2022
and Crl.M.P.No.7698 of 2022

28.06.2022