



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.9839 OF 2022

Sivakumar Sadhu

... Petitioner

.Vs.

The State Rep. by
The Inspector of Police (Crime),
M1, Madhavaram Police Station,
Chennai - 600 110.

... Respondent

PRAYER:-

This Criminal Original Petition filed under Section 482 of Cr.P.C., to issue direction directing the respondent herein to register the case based on the petitioner complaint dated 18.12.2021 and 04.03.2021 and C.S.R.No.970 of 2021 dated 28.12.2021 and filed the FIR.

For Petitioner : Mr.P.Velumaniyan

For Respondent : Mr.N.Muthuvel
Government Advocate
(Criminal Side)

O R D E R

This Criminal Original Petition has been filed to issue direction directing the respondent herein to register the case based on the petitioner complaint dated 18.12.2021 and 04.03.2021 and C.S.R.No.970 of 2021 dated 28.12.2021 and filed the FIR.

2. Mr.N.Muthuvel, learned Government Advocate for the respondent 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 respondent police.



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

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(CCC)

//True Copy//

Sub Assistant Registrar

ham/mtl

To

1. The Inspector of Police (Crime),
M1, Madhavaram Police Station,
Chennai - 600 110.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.9839 OF 2022

AJB(CO)
PBS/29/06/2022