



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.9951 of 2022

Oviyam Ranjan

... Petitioner

Vs.

1. The Superintendent of Police,
Thiruvallur District.
2. The Inspector of Police,
District Crime Branch,
Thiruvallur, Thiruvallur District.
3. The Inspector of Police,
District Crime Branch,
Avadi, Chennai - 54.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to direct the third respondent to register the case on the basis of the petitioner's complaint dated 24.08.2021 (C.No.207 of 2022) and to investigate into the matter in accordance with law and to file a final report before the competent court of law.

For Petitioner : Mr.G.Pavendhan

For Respondents : Mr.N.Muthuvel

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to direct the third respondent to register the case on the basis of the petitioner's complaint dated 24.08.2021 and to investigate into the matter and to file a final report before the competent court of law.

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 Solavaram Police Station, 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 II)

//True Copy//

Sub Assistant Registrar

ham/rgi

To

1. The Superintendent of Police,
Thiruvallur District.
2. The Inspector of Police,
District Crime Branch,
Thiruvallur,
Thiruvallur District.
3. The Inspector of Police,
District Crime Branch,
Avadi, Chennai - 54.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.G.Pavendhan, Advocate, S.R.No.36693

CrI.O.P.No.9951 of 2022

AD[co]
NSK/23/06/2022