



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

CrI.O.P.No.9473 of 2022

V.Kannan

... Petitioner

Vs.

1.The Commissioner of Police,
Vepery,
Chennai.

2.The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai 16.

3.The Assistant Commissioner of Police,
Pallavaram,
Chennai 43.

4.The Inspector of Police (Crime)
Sankar Nagar Police Station,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to register FIR in the petitioner's complaint dated 25.02.2022, 16.04.2022.

For Petitioner : Mr.R.Sasikumar

For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the respondents to register FIR in the petitioner's complaint dated 25.02.2022, 16.04.2022.

2. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents 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 fourth respondent police.

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 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

//True Copy//

Sub Assistant Registrar

shk/nr

To

- 1.The Commissioner of Police,
Vepery, Chennai.
- 2.The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai 16.
- 3.The Assistant Commissioner of Police,
Pallavaram,
Chennai 43.
- 4.The Inspector of Police (Crime)
Sankar Nagar Police Station, Chennai.
- 5.The Public Prosecutor,
High Court of Madras.

CrL.O.P.No.9473 of 2022

RSV(CO)
SB(01/07/2022)