



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.9604 of 2022

K.Murugesan

... Petitioner

Vs.

1. The Inspector of Police,
Anti-Land Grabbing Special Cell,
District Police Office, Nethimedu,
Salem District.

2. The Superintendent of Police,
District Police Office, Nethimedu,
Salem District.

3.C.Venkatraman

4.C.Kannan

5.N.Chinnusamy

6.Laksmi

7.V.Seenu

8.V.Selvam

9.Vennila

10.Seetha

11.The above said Laksmi's Brother,
Address and Name not known but identified person.

12.N.Neelavathi

13.N.Chandrakumaran

14.N.Narasimman

15.N.Prema

16.N.Ramesh

17.S.Kalaivanan

18.J.Meenachisundaram

19.C.Murugesan

20.A.Ravichandran

21.Shanmugam Nadesan

22.R.Dhanalakshmi

23.V.Kathiravan

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to registered the FIR based on the complaint dated 01.12.2021 preferred by the petitioner and to investigate the same in accordance with law.



WEB COPY

For Petitioner : Mr.V.Kumaresan
For Respondents : Mr.N.Muthuvel
Government Advocate (Criminal Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents to registered the FIR based on the complaint dated 01.12.2021 preferred by the petitioner and to investigate the same.

2. Mr.N.Muthuvel, learned Government Advocate 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 first respondent police.

3. Heard the learned counsel for the petitioner and the learned Government Advocate 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. 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(CS VII)

//True Copy//

Sub Assistant Registrar



ham/mtl

To

WEB COPY

1. The Inspector of Police,
Anti-Land Grabbing Special Cell,
District Police Office, Nethimedu,
Salem District.
2. The Superintendent of Police,
District Police Office, Nethimedu,
Salem District.
3. The Public Prosecutor,
High Court, Madras - 104.

+1cc to Mr.V.Kumaresan, Advocate, S.R.No.35776

Crl.O.P.No.9604 of 2022

RP[co]
NSK/27/06/2022