



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.10076 of 2022

Vasanthi

... Petitioner

Vs.

The Inspector of Police,
E-9, Police Station,
Thazhambur, Chennai 600 130.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register the FIR in view of order to comply with the Orders of the Judicial Magistrate -I, Chengalpattu in CMP No.3501 of 2021.

For Petitioner	:	Mr.K.Rangesh
For Respondent	:	Mr.N.Muthuvel, Government Advocate (crl.side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondent to register the FIR in view of order to comply with the Orders of the Judicial Magistrate -I, Chengalpattu in CMP No.3501 of 2021.

2. It is the grievance of the petitioner that despite the order of the learned Judicial Magistrate -I, Chengalpattu in CMP No.3501 of 2021 dated 01.04.2021 passed under Section 156(3) of Cr.P.C to file a final report within the stipulated time for the alleged offence, the respondent police has not completed the investigation within the prescribed period.

3.Heard the learned counsel for the petitioner and Mr.N.Muthuvel, learned Government Advocate (crl.side) 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. In view of the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

shk/mvs

To

1. The Judicial Magistrate No.1,
Chengalpattu.
2. The Inspector of Police,
E-9, Police Station,
Thazhambur, Chennai 600 130.
3. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Mr.K.Rangish, Advocate, S.R.No.37049

CrI.O.P.No.10076 of 2022

PL (CO)
UMA (28/06/2022)