



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.10054 of 2022

C.Rajasekaran

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Puducherry.

2. The Inspector of Police,
Orillianpet Police Station,
Orillianpet, Puducherry.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to direct the 2nd respondent police to register the case on the petitioner's complaint dated 22.03.2022.

For Petitioner : Mr.R.Murugabharathi

For R1 & R2 : Mr.V.Balamurugane

Additional Public Prosecutor (Pondy)

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent police to register the case on the petitioner's complaint dated 22.03.2022.

2. Mr.V.Balamurugane, learned Additional Public Prosecutor, Pondicherry appearing for the respondent police submitted that based on the complaint given by the petitioner, enquiry has been conducted and the same is pending on the file of the second 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 Cr1 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 IV)

True Copy//

Sub Assistant Registrar

rgi/ham

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Puducherry.
2. The Inspector of Police,
Orillianpet Police Station,
Orillianpet, Puducherry.
3. The Public Prosecutor(Puducherry),
Madras High Court, Chennai.

+1cc to Mr.R.Murugabharathi, Advocate, S.R.No.35234

Crl.O.P.No.10054 of 2022

BR[co]
NSK/28/06/2022