



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.10446 of 2022

S.Jayapal

... Petitioner

Vs

State

rep by The Inspector of Police (Crime)

F 2 Egmore Police Station - Crime

Chennai 600 008.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to register a case on the petitioner's complaint dated 8/3/2022 for the offences punishable under Sections 120 (b) r/w.109, 464, 465, 406 and 420 of the Indian Penal Code and to file a final report before the concerned Court.

For Petitioner ... Mr.M.G.Ramachandran

For Respondent ... Mr.A. Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent to register a case on the petitioner's complaint dated 8/3/2022 for the offences punishable under Sections 120 (b) r/w.109, 464, 465, 406 and 420 of the Indian Penal Code and to file a final report before the concerned Court.

2. The main allegation of the petitioner is that the respondent Police has not taken any valuable action on his complaint dated 8/3/2022.

3. Heard Mr.M.G.Ramachandran, learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondent.

4. Today, when the matter is taken up for hearing Mr.A.Gokulakrishnan, learned Additional Public Prosecutor 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 respondent police.

5. 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.

6. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Inspector of Police (Crime)
F 2 Egmore Police Station - Crime
Chennai 600 008.
2. The Public Prosecutor,
High Court, Madras.

CrI. O.P. No.10446 of 2022

SSI(CO)
SB(05/07/2022)