



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P. No. 15441 of 2022

M.Sridharan,
S/o. Murugadass

... Petitioner

Vs.

1. The Superintendent of Police,
Cuddalore Dt.-607 001.
2. The Deputy Superintendent of Police,
Neyveli Township,
Cuddalore Dt.-607 803.
3. The Inspector of Police,
Thermal Police Station,
Neyveli, Cuddalore Dt.-607 807.
4. The Chairman,
Neyveli Lignite Corporation India (Ltd.),
Corporate Office,
Block-1, Neyveli - 607 801.
5. Joseph Peter Antony,
6. J. Andhony,
S/o. Joseph Peter Antony

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent to register F.I.R. basis on the 3rd respondent's CSR No.408/2021 dated 25.12.2021 and recover the cheated amount from the 5th and 6th respondents.

For Petitioner : Mr.A.Kanaka Velappan

For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor.
For R1 to R3



O R D E R

This Writ Petition has been filed seeking a direction to direct the 3rd respondent to register the F.I.R. based on its CSR No.408/2021 and to recover the cheated amount from 5th and 6th respondents.

2. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents 1 to 3 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 third respondent police.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 to 3.

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 3rd 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 Writ Petition is disposed of.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpp/nr



To

1. The Superintendent of Police,
Cuddalore Dt.-607 001.
2. The Deputy Superintendent of Police,
Neyveli Township,
Cuddalore Dt.-607 803.
3. The Inspector of Police,
Thermal Police Station,
Neyveli, Cuddalore Dt.-607 807.
4. The Chairman,
Neyveli Lignite Corporation India (Ltd.),
Corporate Office,
Block-1, Neyveli - 607 801.
5. The Public Prosecutor,
High Court of Madras.

+2ccs to Mr.A.Kanagavelappan, Advocate, S.R.Nos.39082, 37932

W.P.No.15441 of 2022

GPL (CO)
UMA (01/07/2022)