



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Cr1.O.P. No.12019 of 2022

1.A. Rajendiran
2. Narmada @ Magaletchoumy ... Petitioners

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police [North],
Puducherry.
2. The State represented by The Inspector of Police
D.Nagar Police Station, Puducherry.
3. Kasi Anand
4. Naveneetha Krishnan
5. Loganayagan @ Veeramani
6. Veera Gandhi
7. Suguna ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondent police to take appropriate action on the complaint made by the petitioner on 21.04.2022 and proceed in accordance to law.

For Petitioner : Mr.B.Balavijayan

For Respondents : Mr.V.Balamurugane
Additional Public Prosecutor [Pondy]
- R1 & R2

R - 3 Service Awaited
R - 4 No appearance

Mr.R.Sreedhar - R5 to R7

O R D E R

This Criminal Original Petition has been filed to direct the respondent police to take appropriate action on the complaint made by the petitioner on 21.04.2022 and proceed in accordance to law.



2. Mr.V.Balamurugane, learned Additional Public Prosecutor, Pondicherry appearing 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 second respondent police.

3. Heard the learned counsel for the petitioner and the learned counsels appearing 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 VI)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Superintendent of Police,
Office of the Superintendent of Police [North],
Puducherry.

2. The Inspector of Police
D.Nagar Police Station, Puducherry.

3. The Public Prosecutor, High Court of Madras.
+5 ccs to Mr.B.Balavijayan, Advocate Sr.NO. 38747

CrI.O.P. No.12019 of 2022

gpl (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
A.SK(29/06/2022)