

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.15012 OF 2022

Krishnamoorthy

... Petitioner

Vs.

1. The Superintendent of Police,
Cuddalore District,
Cuddalore.

2. The Inspector of Police,
District Crime Branch,
Cuddalore District,
Cuddalore.

..Respondents

Prayer:

This Criminal Original Petition filed under Section 482 Cr.P.C praying to direct the second respondent to register the complaint of the petitioner dated 01.12.2020 and investigate the same in accordance with law.

For Petitioner	: Mr.M.Velmurugan
For Respondents	: Mr.A.Gokulakrishnan Additional Public Prosecutor

ORDER

This Criminal Original Petition has been to direct the second respondent to register the complaint of the petitioner dated 01.12.2020 and investigate the same.

2. It is the grievance of the petitioner that despite the order of the learned Judicial Magistrate, Tittagudi in Crl.M.P.No.137/2021 dated 29.01.2021 passed under Section 156(3) of Cr.P.C to conduct investigation and file a report of compliance letter within 30 days, the respondent police has not complied with till date.

3. Learned Additional Public Prosecutor appearing for the respondents would submit that the respondent police will comply with the order within a period of two weeks.

4. Heard the learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents.

5. The Division Bench of this Court in G.Prabhakaran v. The Superintendent of Police, Thanjavur, reported in (2018) 2 LW CrL 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. In view of the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Tittagudi.
2. The Superintendent of Police,
Cuddalore District,
Cuddalore.

3. The Inspector of Police,
District Crime Branch,
Cuddalore District,
Cuddalore.
4. The Public Prosecutor,
Madras High Court,
Chennai.

Crl.O.P.No.15012 of 2022

SSI(CO)
PM/14/07/2022