

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P. No.16160 of 2022

R.Gomathy Devi

...Petitioner

Vs.

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

2.The Inspector of Police,
Sathyamangalam Police Station,
Erode District.

3.M.Prabhushankar

4.Geetha

5.N.Manoranjitham

6.T.Josehpeen Jeneetha

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the first respondent to direct second respondent to take action against 3 to 6 respondent and to conduct enquiry and file a First Information Report (FIR) based on the petitioner complaint dated 02.11.2021.

For Petitioner : Mr.M.Manikandhan

For R1 and R2 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The Writ Petition has been filed to direct the first respondent to direct second respondent to take action against third to sixth respondent and to conduct enquiry and file a First Information Report (FIR) based on the petitioner complaint dated 02.11.2021.

2. The grievances of the petitioner is that the petitioner had made a complaint, on 20.11.2021 as against the third to sixth respondent. Till now, the respondent Police did not conduct enquiry and had registered the First Information Report.

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

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 intrevene 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 Offier 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. In view of the above direction, this Writ Petition is disposed of.No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nti/dhk

To

- 1.The Superintendent of Police,
Erode District, Erode.
- 2.The Inspector of Police,
Sathyamangalam Police Station,
Erode District.
- 3.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.M.Manikandhan, Advocate SR. No. 40030

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GJ (CO)
PR (12/07/2022)