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Crl.O.P.No.15188 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.15188 of 2022

Sharmila Parveen

... Petitioner

Vs.

1.The Superintendent of Police,
SP Office,
Thiruvavur.

2.The Inspector of Police,
Koothanallur Police Station,
Koothanallur, Thiruvavur District.

..Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the first and second respondents to register a case according to
the order of the Hon'ble Judicial Magistrate of Mannargudi in Crl.M.P.No.760
of 2022 dated 17.03.2022.

For Petitioner

: Mr.M.Marimahesh

For Respondents

: Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been to direct the first and second respondents to register a case based on the order passed by the learned Judicial Magistrate No.II of Mannargudi in Crl.M.P.No.760 of 2022 dated 17.03.2022.

2. It is the grievance of the petitioner that despite the order of the learned Judicial Magistrate No.II of Mannargudi in Crl.M.P.No.760 of 2022 dated 17.03.2022 passed under Section 156(3) of Cr.P.C to conduct investigation and file a report of compliance letter within 15 days, the respondents police have not complied with till date.

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



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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 three weeks from today.

6. With the above direction, this Criminal Original Petition stands disposed of.

04.07.2022

Speaking Order/Non-speaking Order
Index :Yes/No
Internet:Yes/No
shk/nr

N. SATHISH KUMAR,J.



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shk/nr

To

- 1.The Superintendent of Police,
SP Office,
Thiruvarur.
- 2.The Inspector of Police,
Koothanallur Police Station,
Koothanallur, Thiruvarur District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

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