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CrI.O.P.No.15810 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CrI.O.P.No.15810 of 2022

K.K.M.Kathir

... Petitioner

Vs.

1.The Superintendent of Police,
Erode District,
Erode 638 001.

2.Inspector of Police,
Modakurichi Police Station,
Modakurichi,
Erode-638 104.

..Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C praying to issue a direction to the 2nd respondent to register the FIR based on petitioner's complaint dated 19.08.2021.

For Petitioner

: Mr. S.Arjun

For Respondents

: Leonard Arul Joseph Selvam
Government Advocate(CrI.Side)



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to register the FIR based on the petitioner's complaint dated 19.08.2021.

2. It is the grievance of the petitioner that despite the order of the learned Judicial Magistrate No.III, Erode in C.M.P.No.8381 of 2021 dated 22.10.2021 passed under Section 156(3) of Cr.P.C to take necessary action and file a report on or before 17.12.2021, the respondent police has not complied with the same.

3. Heard the learned counsel for the petitioner and the learned Government Advocate(CrI.Side) 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



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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 the date of receipt of a copy of this Order.

5. In view of the above direction, this Criminal Original Petition is disposed of.

08.07.2022

Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

nr/shk



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N. SATHISH KUMAR,J.

nr

To

- 1.The Superintendent of Police,
Erode District,
Erode 638 001.
- 2.Inspector of Police,
Modakurichi Police Station,
Modakurichi,
Erode-638 104.
3. The Public Prosecutor,
Madras High Court,
Chennai.

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