

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

Crl.O.P.No.15851 of 2022

A.Selvi

... Petitioner

Vs.

1.State rep by

District superintendent of Police,
O/o. District Superintendent of Police,
Namakkal District.

2.State rep by

Inspector of Police,
Paramathi Police Station,
Paramathi,
Namakkal District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to register the complaint dated 11.04.2022 and investigate the same as per the directions issued in Crl.M.P.No.2157 of 2022 dated 20.04.2022 on the file of the learned Judicial Magistrate, Paramathi and register the FIR in accordance with law.

For Petitioner : M/S.D.Bharathy

For Respondents : Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed seeking direction to the respondents to register the complaint dated 11.04.2022 and investigate the same as per the directions issued in Crl.M.P.No.2157 of 2022 dated 20.04.2022 on the file of the learned Judicial Magistrate, Paramathi.

2. It is the grievance of the petitioner that despite the order of the learned Judicial Magistrate, Paramathi, in CrI.M.P.No.2157 of 2022 dated 20.04.2022 passed under Section 156(3) of Cr.P.C to register the FIR and file a report, 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 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.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

nr/ksa-2

To

1.The District superintendent of Police,
O/o. District Superintendent of Police,
Namakkal District.

2.The Inspector of Police,
Paramathi Police Station,
Paramathi, Namakkal District.

3.The Public Prosecutor,
High Court of Madras, Chennai.

Copy to:
The Judicial Magistrate,
Paramathi.

Crl.O.P.No.15851 of 2022

GPL(CO)
CB(28/07/2022)