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CrI.O.P.No.25000 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P.No.25000 of 2022

R.Sampathkumar

... Petitioner

Vs.

1.The Superintendent of Police,
Kancheepuram District,
Kancheepuram TK & DT.

2.The Inspector of Police,
Taluk Police Station,
Kancheepuram TK & DT.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondents 1 & 2 to register the petitioner complaints dated
14.06.2022 & 17.06.2022 in vide CSR No.2167 of 2022 and file a FIR.

For Petitioner : Mr.T.R.Shanmugam

For Respondent : Mr.S.Santhosh,
Government Advocate (crl.side)



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ORDER

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This Criminal Original Petition has been filed to direct the respondents 1 & 2 to register the petitioner complaints dated 14.06.2022 & 17.06.2022 in vide CSR No.2167 of 2022 and file a FIR.

2. The learned counsel appearing for the petitioner submitted that though the petitioner gave separate complaint against one Vijayakumar to the respondents 1 & 2 on 14.06.2022 and 17.06.2022, they have not registered a case till now. Therefore, the respondents police may be directed to register the case, based on the complaints given by the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that, after receipt of complaints dated 14.06.2022 and 17.06.2022 from the petitioner, the second respondent police conducted enquiry in C.S.R No.2167 of 2022 and it is pending for further investigation.

4. I have considered the matter in the light of the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.



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5. 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 second respondent police is bound to register the FIR otherwise they may close the complaint. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this Criminal Original Petition is disposed of.

17.10.2022

Internet: Yes/No
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V.SIVAGNANAM,J.
shk

To

- 1.The Superintendent of Police,
Kancheepuram District,
Kancheepuram TK & DT.
- 2.The Inspector of Police,
Taluk Police Station,
Kancheepuram TK & DT.
3. The Public Prosecutor,
High Court of Madras.

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