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Crl.O.P.Nos.24779 & 24781 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.24779 & 24781 of 2022

A.H.Abdul Shafi ... Petitioner in Crl.O.P.No.24779/2022

P.Balan ... Petitioner in Crl.O.P.No.24781/2022

Vs.

The State rep. by

1.The Commissioner of Police,
Aavadi Commissionerate,
Aavadi, Chennai 600 054.

2.The Inspector of Police,
T7 Tank Factory Police Station,
Aavadi, Chennai.

(C.No.623 COP-Avadi/Visitors/2022)

...Respondents in Crl.O.P.No.24779/2022

1.The Commissioner of Police,
Aavadi Commissionerate,
Aavadi, Chennai 600 054.

2.The Inspector of Police,
T7 Tank Factory Police Station,
Aavadi, Chennai.

(CSR No.602/2022 Avadi)

... Respondents in Crl.O.P.No.24781/2022



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COMMON PRAYER: These Criminal Original Petitions filed under Section 482 of Cr.P.C., to direct the respondents to register the complaints in C.No.623/COP-Avadi/Visitors/2022 dated 20.06.2022 and CSR No.602 of 2022 dated 11.08.2022 respectively, in accordance with law.

For Petitioner in both Crl.O.P's : Mr.R.Sreerangan

For Respondents in both Crl.O.P's : Mr.S.Santhosh,
Government Advocate (crl.side)

COMMON ORDER

These Criminal Original Petitions have been filed to direct the respondents to register the complaints in C.No.623/COP-Avadi/Visitors/2022 dated 20.06.2022 and CSR No.602 of 2022 dated 11.08.2022 respectively, in accordance with law.

2. The learned counsel appearing for the petitioners submitted that the petitioners are the victims under the hands of one Kathiravan and they gave a separate complaint against the said Kathiravan on 20.06.2022 and 11.08.2022 respectively before the first respondent police, but they have not registered the case till date. Therefore, the respondent police may be directed to register the case, based on the complaint given by the petitioners.



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3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that, after receipt of complaints dated 20.06.2022 and 11.08.2022 from the petitioners, the respondent police conducted enquiry 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 petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent.

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 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***



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V.SIVAGNANAM,J.

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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 the date of receipt of a copy of this order.

6. With the above directions, these Criminal Original Petitions are disposed of.

13.10.2022

Internet: Yes/No

Index: Yes/No

Speaking/Non speaking order

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To

1. The Commissioner of Police,
Aavadi Commissionerate,
Aavadi, Chennai 600 054.

2. The Inspector of Police,
T7 Tank Factory Police Station,
Aavadi, Chennai.

3. The Public Prosecutor,
High Court of Madras.

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