



Crl.O.P.No.24589 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 12.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.24589 of 2022

Arulpragasa Vallalar
rep. by Secretary R.Govindasamy ... Petitioner

Vs.

The Superintendent of Police,
(Anti Land Grabbing), Land Grabbing Cell,
Cuddalore District, Cuddalore. ... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, 1973 to direct the respondent to register an FIR on the complaint given by the petitioner dated 04.07.2022.

For petitioner : Mr.V.V.Sairam

For respondent : Mr.S.Santhosh
Government Advocate (Crl.side)



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ORDER

This Criminal Original petition has been filed to direct the respondent to register an FIR, based on the complaint dated 04.07.2022 given by the petitioner.

2. The learned counsel for the petitioner submitted that the properties of the petitioner Association were fraudulently sold by three persons, creating forged documents and with regard to the same, the Secretary of the Association has given a detailed complaint on 04.07.2022 to take action against the accused persons. However, the respondent police have not registered and investigate the case. Therefore, appropriate direction may be given to the respondent police to register the complaint.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the complaint given by the petitioner Association was received and it is pending for enquiry. Hence, he seeks two weeks time to complete the enquiry and file FIR.



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4. Heard the learned counsel appearing for the petitioner and learned Additional Public Prosecutor 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 intrevene 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 Offier 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 today.



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

12.10.2022

Note: Issue order on or before 14.10.2022

Index:Yes/No
mst

To

1. The Superintendent of Police,
(Anti Land Grabbing), Land Grabbing Cell,
Cuddalore District, Cuddalore.
- 2.The Public Prosecutor,
Madras High Court.



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V.SIVAGNANAM, J.

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