



Crl.O.P.No.24281 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.24281 of 2022

Prabakaran

... Petitioner

Vs.

1.Praburam

2.The Sub Inspector of Police,
Thittakudi Police Station,
Thittakudi, Cuddalore District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent to register the FIR as per order passed in C.M.P.No.42/2022 by the learned Judicial Magistrate, Thittakudi dated 01.02.2022.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondents : Mr.S.Santhosh ,
Government Advocate (crl.side)
for R2

ORDER

This Criminal Original petition has been filed to direct the second respondent to register the FIR as per order passed in C.M.P.No.42 of 2022 by the learned Judicial Magistrate, Thittakudi dated 01.02.2022.



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2.The learned Counsel appearing for the petitioner submitted that despite the order passed by the learned Judicial Magistrate, Thittakudi in C.M.P.No.42 of 2022 dated 01.02.2022 to conduct preliminary enquiry and register FIR or proceed further in accordance with law against the accused, if any cognizable offence is made out and shall file final report of compliance before the Court within 30 days from the date of receipt of a copy of this order, the respondent police did not register the case. Hence, the present petition has been filed.

3.The learned Government Advocate (crl.side) submitted that as per the order of the learned Judicial Magistrate, Thittakudi in C.M.P.No.42 of 2022 dated 01.02.2022, the second respondent police conducted enquiry and the investigation is still under progress. Hence, he seeks two weeks time to conduct 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 second respondent.



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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 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 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 two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition stands disposed of.

11.10.2022

shk



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V.SIVAGNANAM, J.
shk

To

- 1.The Sub Inspector of Police,
Thittakudi Police Station,
Thittakudi, Cuddalore District.
- 2.The Public Prosecutor,
High Court of Madras.

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