



Crl.O.P.No.24076 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.24076 of 2022

P. Easwaran

.. Petitioner

Vs

State, represented by
the Inspector of Police,
Karamadai Police Station,
Coimbatore

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to register a case on the petitioner's complaint dated 07.01.2020 as per the direction issued by the learned Judicial Magistrate, Mettupalayam in Crl.M.P.No.727 of 2021 on 04.03.2021

For Petitioner : Mr. R. Marudhachalamurthy

For Respondents : Mr. E.Raj Thilak, APP



Crl.O.P.No.24076 of 2022

ORDER

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The petitioner has come forward with the present Criminal Original Petition to register a case on the petitioner's complaint dated 07.01.2020 as per the direction issued by the learned Judicial Magistrate, Mettupalayam in Crl.M.P.No.727 of 2021 on 04.03.2021.

2. The learned counsel for the petitioner submitted that despite the direction given by the learned Judicial Magistrate, Mettupalayam in Crl.M.P.No.727 of 2021 on 04.03.2021 to conduct a preliminary enquiry on the complaint given by the petitioner and complete the same within a period of six weeks from the date of receipt of order copy therefrom, the respondent has not considered the petitioner's criminal complaint. Hence the petitioner filed this petition seeking aforesaid relief.

3. The learned Additional Public Prosecutor appearing for the respondent police submitted that initially the complaint was lodged with Inspector of Police, Annur Police Station and after obtaining direction from the learned Judicial Magistrate, Mettupalayam, the same has been forwarded to the



Crl.O.P.No.24076 of 2022

respondent police viz., the Inspector of Police, Karamadai Police Station and

now the respondent police is ready to conduct enquiry upon the complaint.

4. 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 transferred and pending and not been enquired, the Investigation Officer concerned 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 four weeks from the date of receipt of a copy of this order.



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Crl.O.P.No.24076 of 2022

V. SIVAGNANAM, J.

msr

5. With the above direction, this Crl.O.P. stands disposed of. No costs.

12.10.2022

Index : Yes / No

Internet : Yes/ No

msr

To

1. The Inspector of Police,
Karamadai Police Station,
Coimbatore
2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.24076 of 2022