

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 12.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.24624 of 2022

Sowmiya
rep. by her power agent
Mr.V.P.Raman

... Petitioner

Vs.

1. The Commissioner of Police,
Tambaram City Police,
No.42/1, Medavakkam Main Road,
Sholinganallur, Chennai.
2. The Deputy Commissioner of Police,
Central Crime Branch, Tambaram City Police,
No.42/1, Medavakkam Main Road,
Sholinganallur, Chennai.
3. The Additional Deputy Commissioner of Police,
Central Crime Branch, Tambaram City Police,
No.42/1, Medavakkam Main Road,
Sholinganallur, Chennai.
4. M.S.Kathirvelu
5. K.Asokan
6. AGS Colony Resident Welfare Association,
Plot No.43 & 44, Kishkintha Road,
Peungalathur Village,

West Tambaram, Chennai 600 045. ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, 1973 to direct the respondents 1 to 3 to register the criminal complaint made by the petitioner against the respondents 4 to 6 on 06.02.2022, 31.03.2022 and 02.04.2022, which was acknowledged by them vide No.40/DC/CCB/TBM dated 06.02.2022 and to further investigate the matter and to file a final report before the competent Magistrate Court.

For petitioner : Mr.J.Selvarajan

For respondent : Mr.S.Santhosh
Government Advocate (Crl.side)
for R1 to R3

ORDER

This Criminal Original petition has been filed to direct the respondents 1 to 3 to register the criminal complaint made by the petitioner against the respondents 4 to 6 on 06.02.2022, 31.03.2022 and 02.04.2022, which was acknowledged by them vide No.40/DC/CCB/TBM dated 06.02.2022 and to further investigate the matter and to file a final report before the competent Magistrate Court.

2. The learned counsel for the petitioner submitted that the petitioner lodged a complaint against the respondents 4 to 6, with regard to land grabbing on 06.02.2022 and though it was acknowledged by the respondent police vide No.40/DC/CCB/TBM dated 06.02.2022, they have not taken any steps to register the case and to investigate the matter. Hence appropriate direction may be given to them.

3. The learned Government Advocate (Crl.Side) appearing for the respondents 1 to 3 submitted that after receipt of the complaint from the petitioner against the respondents 4 to 6, the first respondent forwarded the same to the Central Crime Branch, Tambaram City Police, Medavakkam Main Road, Chennai for further investigation. Hence, he seeks time to conclude the preliminary enquiry and to investigate the case further.

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.

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

12.10.2022

Index: Yes/No
mst

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 Sholinganallur, Chennai.
3. The Additional Deputy Commissioner of Police,
 Central Crime Branch, Tambaram City Police,
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 Sholinganallur, Chennai.
4. The Public Prosecutor,
 Madras High Court.

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V.SIVAGNANAM, J.

mst

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