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Crl.O.P.No.25061 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.25061 of 2022

S.Panneerselvam

... Petitioner

Vs.

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

2.The Station House Officer,
Manali Police Station,
Madhavaram District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to file First Information Report on the complaint filed by the petitioner in CSR No.224 of 2022 dated 07.07.2022 on the file of the Manali Police Station, Madhavaram District within the time frame as may be fixed by this Court.

For Petitioner : Mr.S.Sridharan

For Respondent : Mr.S.Santhosh,
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the respondents to register First Information Report on the complaint filed by the petitioner in CSR No.224 of 2022 dated 07.07.2022 on the file of the Manali Police Station, Madhavaram District within the time frame as may be fixed by this Court.

2. The learned counsel appearing for the petitioner submitted that though the petitioner gave complaint against one Jayashankar and others on 07.07.2022, the respondent police has not registered the case till now. Therefore, the respondent police may be directed to register the case, based on the compliant given by the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that, after receipt of complaint dated 07.07.2022 from the petitioner, the respondent police gave CSR No.224 of 2022 and conducted enquiry on CSR No.224 of 2022 and it is pending for further investigation.



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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 respondents.

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 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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V.SIVAGNANAM,J.

shk

6. With the above directions, this Criminal Original Petition is disposed of.

17.10.2022

Internet: Yes/No

Index: Yes/No

Speaking/Non speaking order

shk

To

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

2. The Station House Officer,
Manali Police Station,
Madhavaram District.

3. The Public Prosecutor,
High Court of Madras.

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