



Crl.O.P.No.24963 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.24963 of 2022

G.Shanthi

... Petitioner

Vs.

The State represented by
The Inspector of Police,
R7 K.K.Nagar Police Station,
K.K.Nagar,
Chennai 600 083

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police to register a case in compliance with the order passed by the Hon'ble XXIII Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.11035 of 2022 dated 23.08.2022.

For Petitioner : Mr.M.A.Mathew Berchmans

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



Crl.O.P.No.24963 of 2022

ORDER

WEB COPY

This Criminal Original Petition has been filed to direct the respondent police to register a case in compliance with the order passed by the learned XXIII Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.11035 of 2022 dated 23.08.2022.

2. The learned counsel appearing for the petitioner submitted that despite the order of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.11035 of 2022 dated 23.08.2022 to conduct enquiry and file the final report within a period of six weeks, the respondent police has not registered a 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 respondent submitted that as per the order of the learned XXIII Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.11035 of 2022 dated 23.08.2022, the respondent police conducted enquiry in C.S.R.No.11035 of 2022, however, the petitioner has not appeared for enquiry, due to which, investigation is pending.



Crl.O.P.No.24963 of 2022

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 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 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. Further, the petitioner is directed to appear for enquiry before the respondent police.



WEB COPY



Crl.O.P.No.24963 of 2022

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.TheInspector of Police,
R7 K.K.Nagar Police Station,
K.K.Nagar,
Chennai 600 083

2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.24963 of 2022