



WEB COPY



CrI.O.P.No.25004 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P.No.25004 of 2022

S.Jacob

... Petitioner

Vs.

The Inspector of Police,
G6, T.P.Chathiram Police Station,
Kilpauk, Chennai.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police to register a case on the basis of petitioner's complaint dated 27.09.2022.

For Petitioner : Mr.S.Gowrishankar

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

ORDER

This Criminal Original Petition has been filed to direct the respondent police to register a case on the basis of petitioner's complaint dated 27.09.2022.



Crl.O.P.No.25004 of 2022

2. The learned counsel appearing for the petitioner submitted that though the petitioner gave complaint against one motorist on 27.09.2022, 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, after receipt of complaint dated 27.09.2022 from the petitioner, the respondent police conducted enquiry in C.S.R No.225 of 2022 and it is pending for further investigation.

4. I have considered the matter in the light of the submissions made by the learned counsel for the petitioners 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



CrI.O.P.No.25004 of 2022

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.

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



Crl.O.P.No.25004 of 2022

V.SIVAGNANAM,J.

shk

To

- 1.The Inspector of Police,
G6, T.P.Chathiram Police Station,
Kilpauk, Chennai.
2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.25004 of 2022

17.10.2022