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Crl.O.P.No.25340 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.25340 of 2022

L.Senthamarai

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Kayar Police Station,
Chengalpattu District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register the petitioner's complaint dated 15.09.2022 for an offence under Sections 294(B), 307 and 506(ii) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 1998.

For Petitioner : Mr.G.Vishwanathan

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



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ORDER

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This Criminal Original Petition has been filed to direct the respondent to register the petitioner's complaint dated 15.09.2022 for an offence under Sections 294(B), 307 and 506(ii) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 1998.

2. The learned counsel appearing for the petitioner submitted that while the petitioner went for 100 days of guranteed wage employment provided by the Government of Tamil nadu, the Site Manager one Nagalakshmi had abused and assaulted the petitioner's son using hands. Therefore, the petitioner gave complaint against the said Nagalakshmi on 15.09.2022, however, 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 15.09.2022 from the petitioner, the respondent police conducted enquiry in C.S.R No.425 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 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.



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V.SIVAGNANAM,J.

shk

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

19.10.2022

Internet: Yes/No
shk

To

1. The Inspector of Police,
Kayar Police Station,
Chengalpattu District.
2. The Public Prosecutor,
High Court of Madras.

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