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Crl.O.P. No.26078 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P No.26078 of 2022

K.Kanagaraj

.. Petitioner

Vs.

State Rep. by the Inspector of Police,
S-6, Police Station, Sankar Nagar,
Pammal, Chengalpattu District,
Chennai.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to direct the respondents to register the case on the complaint given
by the petitioner dated 15.06.2022 and proceed with the investigation in
accordance with law.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.S.Santhosh
Gov. Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the respondents to register the case on the complaint given by the petitioner dated 15.06.2022 and proceed with the investigation in accordance with law.

2. The learned counsel for the petitioner submitted that the petitioner gave a complaint on 15.06.2022 against A.Palanisamy and J.Salamon to take action against them under SC/ST Act. However, the respondent police has not taken any action on the complaint and hence this petition.

3. The learned Government Advocate (Crl.Side) submitted that, on the complaint given by the petitioner dated 15.06.2022, enquiry was conducted and it was closed on that date itself. He further submitted that RCS Notice was also sent to the petitioner/complainant.



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4. Heard the counsel for the petitioner and the learned Government

Advocate (Crl.Side) appearing for the respondent.

5. In such view of the matter, liberty is given to the petitioner to workout his remedy as per law. 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. Therefore, it is for the petitioner to pursue his right as per Code.

6. With the above direction, this Criminal Original Petition is closed.

31.10.2022

Index:Yes/no
mst

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To

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1. The Inspector of Police,
S-6, Police Station, Sankar Nagar,
Pammal, Chengalpattu District,
Chennai.
2. The Public Prosecutor,
Madras High Court, Chennai-104.



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V.SIVAGNANAM, J.

mst

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