



Crl.O.P.No.25899 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 27.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.25899 of 2022

A. Manoharan

... Petitioner

Vs.

State represented by its

1. The District Superintendent of Police,
Chengalpattu District,
Chengalpattu.
2. The Deputy Superintendent of Police,
Maduranthagam, Chengalpattu District.
3. The Inspector of Police,
G-7 Chunampet Police Station,
Chengalpattu District, Chengalpattu

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to register the complaint dated 20.12.2021 and to take appropriate action against the accused person.

For Petitioner : Mr. M. Selvam

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

ORDER



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This Criminal Original Petition has been filed to direct the respondents to register the complaint dated 20.12.2021 and to take appropriate action against the accused person.

2. The learned counsel appearing for the petitioner submitted that the petitioner gave complaint on 20.12.2021 against one Mariyappan stating that during 2018 he and his wife ran a chit fund, in which, the petitioner and other villagers deposited their money every month and thereafter in the year 2020, both of them absconded from the village with the chit amounts. However, the respondent police have not registered the complaint till now. Therefore, the respondent police may be directed to register the case, based on the complaint given by the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that the complaint received from the petitioner on 20.12.2021 is currently pending for further investigation.

4. I have considered the matter in the light of the submissions



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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 second 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.

V.SIVAGNANAM,J.

msr



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

27.10.2022

Index :Yes/No
Internet:Yes/No
msr

To

1. The District Superintendent of Police,
Chengalpattu District,
Chengalpattu.
2. The Deputy Superintendent of Police,
Maduranthagam, Chengalpattu District.
3. The Inspector of Police,
G-7 Chunampet Police Station,
Chengalpattu District, Chengalpattu
4. The Public Prosecutor,
High Court of Madras.

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