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Crl.O.P.No.25962 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.25962 of 2022

R.Magesh

... Petitioner

Vs.

1.The Superintendent of Police,
Tiruvallur District,
Tiruvallur.

2.The Inspector of Police,
(Land Grabbing Cell),
Office of Superintendent of Police,
Tiruvallur District,
Tiruvallur.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the second respondent to register a case on the basis of the complaint
dated 12.05.2022 by following the order of the learned Special Magistrate
(Land Grabbing) Tiruvallur in Crl.M.P.No.247 of 2022 dated 09.09.2022 and
conduct an investigation in a fair and proper manner.

For Petitioner : Mr.D.Ashok Kumar

For Respondents : 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 second respondent to register a case on the basis of the complaint dated 12.05.2022 by following the order of the learned Special Magistrate (Land Grabbing) Tiruvallur in Crl.M.P.No.247 of 2022 dated 09.09.2022

2. The learned counsel appearing for the petitioner submitted that though the learned Special Magistrate (Land Grabbing), Tiruvallur in Crl.M.P.No.247 of 2022 dated 09.09.2022 forwarded the complaint to the respondent police to conduct investigation and register the case, they have not registered a case till now. Therefore, the respondents 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 respondents submitted that the earlier complaint given by the petitioner was closed after enquiry and they have not yet received the complaint forwarded by the learned Special Magistrate (Land Grabbing), Tiruvallur in Crl.M.P.No.247 of 2022 dated 09.09.2022.



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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 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 forwarded by the learned Magistrate 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.



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V.SIVAGNANAM,J.

shk

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

28.10.2022

Internet:Yes/No

Index:Yes/No

Speaking/Non speaking order

shk

To

- 1.The Superintendent of Police,
Tiruvallur District,
Tiruvallur.
- 2.The Inspector of Police,
(Land Grabbing Cell),
Office of Superintendent of Police,
Tiruvallur District,
Tiruvallur.
3. The Public Prosecutor,
High Court of Madras.

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