



CrI.O.P.No.25898 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 27.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P.No.25898 of 2022

S. Pandiyan

... Petitioner

Vs.

1. The State represented by
the Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
2. The Inspector of Police,
Anti Land Grabbing Special Wing,
Thiruvannamalai,
Thiruvannamalai District

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to register a case based on the petitioner's complaint dated 31.08.2022

For Petitioner : Mr. E. Kannadasan

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 a case based on the petitioner's complaint dated 31.08.2022

2. The learned counsel appearing for the petitioner submitted that the petitioner gave a complaint on 31.08.2022 against four persons viz., Nithi, Vinothkumar, Sivakumar and Ganesan alleging cheating, forgery, non repayment of chit balance amount and land grabbing etc. However, the respondent police have not registered the said complaint till date. 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 respondents submitted that originally the complaint was given to Superintendent of Police, Thiruvannamalai and now the same has been forwarded to Deputy Superintendent of Police, Arani who is now conducting further enquiry upon the complaint.

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 concerned 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 Deputy Superintendent of Police, Arani 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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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 Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
2. The Inspector of Police,
Anti Land Grabbing Special Wing,
Thiruvannamalai,
Thiruvannamalai District
3. The Public Prosecutor,
High Court of Madras.

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