



WEB COPY



Crl.O.P. No.26079 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.26079 of 2022

V.Manimegalai

.. Petitioner

Vs.

1. The Senior Superintendent of Police,
Law and Order, Orleanpet Police Station,
Puducherry 605 005.
2. The Superintendent of Police (North),
Vazhudhavor Road, Shanmugapuram,
Puducherry 605 009.
3. The Inspector of Police, Mettupalayam Circle,
Puducherry 605 009.
4. The Inspector of Police,
E3, Reddiarpayalam Police Station,
Villianur Main Road, Orleanpet,
Puducherry 605 010.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the fourth respondent to register the first information report in pursuant to the petitioner's complaint dated 17.10.2022 on the file of the fourth respondent.



Crl.O.P. No.26079 of 2022

For Petitioner : Mr.R.Nareshkumar

For Respondents : Mr.V.Balamurugane
Public Prosecutor (Pondicheery) I/c.

ORDER

This Criminal Original Petition has been filed to direct the fourth respondent to register the first information report in pursuant to the petitioner's complaint dated 17.10.2022 on the file of the fourth respondent.

2. The learned counsel for the petitioner submitted that the petitioner lodged a complaint against one K.Rajmohan, who obtained hypothecation loan, by creating tampered and fabricated documents against a lorry bearing registration No.TN67BE6403, belonging to the petitioner. However, the fourth respondent has not taken any action. Hence the petition.

3. The learned Government Advocate (Crl.Side) submitted that the complaint given by the petitioner is availed with the respondent police.

4. The Division Bench of this Court in ***G.Prabhakaran v. The Superintendent of Police, Thanjavur***, reported in ***(2018) 2 LW Crl 489*** and



Crl.O.P. No.26079 of 2022

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 intreneve 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 Offier 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 today.

5. In view of the above direction, this Criminal Original Petition is disposed of.

31.10.2022

Index:Yes/no
mst

3/5



Crl.O.P. No.26079 of 2022

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4. The Inspector of Police,
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5. The Public Prosecutor,
Madras High Court, Chennai-104.



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Crl.O.P. No.26079 of 2022

V.SIVAGNANAM, J.

mst

CRL.O.P No.26079 of 2022

31.10.2022