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Crl.O.P.No.25760 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 26.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.25760 of 2022

P.A.Abdul Nazar

... Petitioner

Vs.

1. The State, rep. by the Inspector of Police,
C3, Saibaba Colony Police Station,
Coimbatore 641 011..

2. The Commissioner of Police,
Office of the Commissioner of Police,
Hosur Road, Coimbatore 641 018.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, 1973 to direct the respondent police to register complaint dated 09.10.2021 in CSR No.454 of 2021 as per the order dated 22.06.2022 passed by the learned Judicial Magistrate No.VII, Coimbatore in Crl.M.P.No.16171/2022 and investigate the case and file final report as per law, within a time frame stipulated by this Court.



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For petitioner : Mr.I.Jenkins William
For respondents : Mr.S.Santhosh
Government Advocate (Crl.side)

ORDER

This Criminal Original petition has been filed to direct the respondent police to register the complaint dated 09.10.2021 in CSR No.454 of 2021, as per the order dated 22.06.2022 passed by the learned Judicial Magistrate No.VII, Coimbatore in Crl.M.P. No.16171/2022 and investigate the case and file final report as per law, within a time frame stipulated by this Court.

2. The learned counsel for the petitioner submitted that though the Jurisdictional Magistrate has directed the respondents to conduct preliminary enquiry on the complaint given by the petitioner in CSR No.454 of 2021, vide order dated 22.06.2022 in Crl.M.P.No.16171 of 2022, the respondent police have not registered and investigate the case. Hence this petition.



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3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that the first respondent received the complaint from the Judicial Magistrate-VII, Coimbatore and it is pending for enquiry. Hence, he seeks two weeks time to complete the enquiry and to file FIR.

4. Heard the learned counsel appearing for the petitioner and 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 intrevene only in extraordinary circumstances and rare cases. However, taking note of the fact that the complaint is



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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 respondent police is bound to register the FIR otherwise they may close the complaint. Such exercise shall be completed within a period of two weeks from today.

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

26.10.2022

Index:Yes/No
mst

To

1. The Inspector of Police,
C3, Saibaba Colony Police Station,
Coimbatore 641 011..
2. The Commissioner of Police,
Office of the Commissioner of Police,
Hosur Road, Coimbatore 641 018.
3. The Public Prosecutor,
Madras High Court.



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V.SIVAGNANAM, J.

mst

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