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Crl.O.P. No.26077 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.26077 of 2022

M. Ramasamy, aged 52 years

.. Petitioner

Vs.

1. The Commissioner of Police,
EVK Sampath Salai, Vepery,
Chennai 600 003.

2. The Deputy Commissioner of Police,
Washermenpet, Chennai.

3. The Inspector of Police,
H-8, Thiruvotriyur Police Station, Attur,
Thiruvotriyur, Chennai-19.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to direct the respondent to register a case on the basis of the
complaint dated 22.09.2022, pending on the file of the respondent.

For Petitioner : Mr.P.Govindarajan

For Respondents : Mr.S.Santhosh
Gov. Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to direct the respondents to register a case on the basis of the complaint dated 22.09.2022 given by the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner gave a complaint before the respondent police to take action against the persons, who trespassed into the properties and compelled the petitioner to execute the sale deeds. However, the respondent police has not taken any action. Hence the petition.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the complaint given by the petitioner was received and it is pending for enquiry.

4. Heard the learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the respondent.



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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 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.**

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

31.10.2022

Index:Yes/no
mst

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To

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EVK Sampath Salai, Vepery,
Chennai 600 003.
2. The Deputy Commissioner of Police,
Washermenpet, Chennai.
3. The Inspector of Police,
H-8, Thiruvotriyur Police Station, Attur,
Thiruvotriyur, Chennai-19.
4. The Public Prosecutor,
Madras High Court, Chennai-104.



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V.SIVAGNANAM, J.

mst

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