



Crl.O.P. No.26111 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.26111 of 2022

Selvam

.. Petitioner

Vs.

1. The Commissioner of Police,
The Office of the Commissioner of Police,
Chennai District.

2. The Inspector of Police,
Anna Nagar Police Station, Chennai District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to direct the respondent police to register the case on the petitioner's
complaint dated 12.09.2022, according to law.

For Petitioner : Mr.S.Nakkeeran

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 respondent police to register the case on the petitioner's complaint dated 12.09.2022.

2. The learned counsel for the petitioner submitted that the petitioner gave a complaint against two persons namely Sahilsharma and Ravisharma, who received money from various persons through the petitioner, on the false promise of getting job for them.

3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that, after receipt of complaint dated 12.09.2022 from the petitioner, the respondent police visited the house of the petitioner and made enquiry, wherein, the owner of the house informed that the petitioner is not residing there. Hence, the complaint is pending under the progress of 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 intervene only in extraordinary circumstances and rare cases. However, taking note of the fact that the petitioner is not residing in the address, as given by him and in view of the same, the complaint is now pending and not been enquired, the petitioner is directed to appear before the respondent police for enquiry. Further, 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 four weeks from today.



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

31.10.2022

Index:Yes/no
mst

To

1. The Commissioner of Police,
The Office of the Commissioner of Police,
Chennai District.
2. The Inspector of Police,
Anna Nagar Police Station, Chennai District.
3. The Public Prosecutor,
Madras High Court, Chennai-104.



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V.SIVAGNANAM, J.

mst

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