



WEB COPY



Crl.O.P.No.27857 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.O.P.No.27857 of 2022

R.Subramaniyan

... Petitioner

Vs.

1. The Superintendent of Police,  
Thiruvarur District.

2. The State; rep. by the Inspector of Police,  
Nannilam Police Station,  
Thiruvarur District.

... Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to register the FIR based on complaint of the petitioner dated 08.09.2022 registered in reference No.EUS22161331 and to take further action in accordance with law.

For Petitioner : Mr.S.Thiruvengadam

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

**ORDER**



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This Criminal Original Petition has been filed to direct the respondent police to register the FIR based on the complaint given by the petitioner on 08.09.2022.

2. When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) appearing for the respondents submitted that, based on the complaint given by the petitioner, enquiry is pending in CSR No.246 of 2022 on the file of the second respondent police and seeks time to complete the enquiry.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents.

4. 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



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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 the enquiry not completed, 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.

5. With the above directions, this Criminal Original Petition is disposed of.

15.11.2022

Index:Yes/No  
mst

To:

1. The Superintendent of Police, Thiruvarur District.
2. The Inspector of Police, Nannilam Police Station, Thiruvarur District
3. The Public Prosecutor, High Court of Madras.



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**V.SIVAGNANAM, J.**  
mst

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