



WEB COPY



Crl.O.P.No.28110 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.28110 of 2022

Bharathiraja

...

Petitioner

Vs.

1.The State represented by,
The Superintendent of Police,
SP office campus,
Krishnagiri District.

2.The State rep by,
The Inspector of Police,
Barur Police Station,
Krishnagiri District.

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent to register the petitioner complaint dated 01.06.2022 made to the respondent immediately and to investigate the same in accordance with law.

For Petitioner : Mr.M.Vignesh

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



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ORDER

This Criminal Original Petition has been filed to direct the respondent to register the petitioner's complaint dated 01.06.2022 made to the respondent immediately and to investigate the same in accordance with law.

2. The learned counsel appearing for the petitioner submitted that one Rajamani obtained hand loan of Rs.5,00,000/- for medical emergency purposes on 15.09.2021 at the rate of 24% interest per annum. Thereafter, petitioner asked Rajamani to return the money. At that time, Rajamani along with her husband Selvam attacked and threatened the petitioner with dire consequences. Thereafter, they made an agreement on the same day, but, she had not even paid a single penny. When the petitioner requested to return the money, they started to attack the petitioner. Hence, the petitioner lodged a complaint before the second respondent on 18.01.2022, but no action has been taken. Again the petitioner sent a complaint dated 01.06.2022, to the respondent by RPAD, however, the respondent police has not registered a case till now. Therefore, the respondent police may be directed to register the case, based on the complaints given by the petitioner.



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3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, after receipt of complaints from the petitioner, the second respondent police have conducted enquiry in C.S.R No.183 of 2022 and it is pending for further investigation.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) 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 intervene only in extraordinary circumstances and rare cases. However, taking note of the fact that the complaint is being 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,



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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 the date of receipt of a copy of this order.

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

09.12.2022

sli

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To:

- 1.The State represented by,
The Superintendent of Police,
SP office campus,
Krishnagiri District.
- 2.The State rep by,
The Inspector of Police,
Barur Police Station,
Krishnagiri District.
- 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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