



WEB COPY



Crl.O.P.No.28555 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.28555 of 2022

Manimala

...

Petitioner

Vs.

The State represented by,
The Inspector of Police,
Otteri Police Station,
Chennai.

...

Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to register FIR on the complaint dated 31.01.2019 in CSR No.71/2021 lodged by the petitioner and investigate and take action on the complaint given by the petitioner within a stipulated time fixed by this Court.

For Petitioner : M/s.Samanta and Ston
Subhalaxmi Samanta
K.Livingston
A.Parthiban

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 police to register FIR on the complaint dated 31.01.2019, in C.S.R.No.71/2019, lodged by the petitioner, investigate and take action on the complaint given by the petitioner within a stipulated time fixed by this Court.

2. The learned counsel appearing for the petitioner submitted that one Sathish, who is the neighbour of the petitioner's daughter, insisted the petitioner to join the chit. Due to the insistence of Sathish, the petitioner joined two Rs.5,00,000/- chit for a period of 20 months. After paying for 20 months, the said Sathish delayed in paying the matured chit amount. When the petitioner along with her husband requested Sathish to repay the chit amount along with the interest accrued, he threatened the petitioner and her husband. Therefore, the petitioner gave a complaint to the respondent police, however, the respondent police has not registered a case till now. Therefore, the respondent police may be directed to register the case, investigate and take action on the complaint given by the petitioner within a stipulated time fixed by this Court.



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3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, after receipt of complaint from the petitioner, the respondent police has conducted enquiry in C.S.R No.71 of 2019 and it is pending for further investigation.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondent.

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



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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 the date of receipt of a copy of this order. The petitioner is also directed to co-operate with the respondent police for the enquiry.

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 Inspector of Police,
Otteri Police Station,
Chennai.

2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
sli

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