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CrI.O.P.No.30243 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30243 of 2022

Thambiraj ... Petitioner
Vs.

1.State by
The Deputy Commissioner of Police,
Annanagar District.
2.The Inspector of Police,
K-4, Annanagar Police Station,
Chennai. ... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent Police to register FIR on basis of the complaint dated 19.08.2022 given by the petitioner.

For Petitioner : Mr.J.N.Naresh Kumar

For Respondent : Mr.S.Santhosh
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent Police to register FIR on basis of the complaint dated 19.08.2022



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given by the petitioner.

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2. When the matter is taken up, the learned Government Advocate (Criminal Side) submitted that on the basis of the complaint given by the petitioner, enquiry in C.S.R.No.972 of 2022 is pending. Since the petitioner is aged and senior citizen, Police was willing to go to the residence of petitioner for enquiry. However, petitioner is not co-operating. Therefore, petitioner is directed to co-operate with the Police for enquiry.

3. The Division Bench of this Court in ***G.Prabhakaran v. The Superintendent of Police, Thanjavur***, reported in ***(2018) 2 LW CrI 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.

4. In view of the fact that enquiry is pending, it is directed that if any cognizable offence is made out, the respondent police is bound to register the



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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.

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

07.12.2022

Index: Yes/No
Speaking/Non speaking order

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G.CHANDRASEKHARAN.J.,

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To

- 1.State by
The Deputy Commissioner of Police,
Annanagar District.
- 2.The Inspector of Police,
K-4, Annanagar Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court of Madras.

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