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CrI.O.P.No.30254 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.30254 of 2022

Jagatha

... Petitioner

Vs.

The State represented by
The Inspector of Police, Crime,
S-10, Pallikarani Police Station,
Chennai.

(C.S.R.No.Not known)

... Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register the F.I.R. based on the complaint on 13.09.2022.

For Petitioner : Mr.P.Agilan

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

ORDER

This Criminal Original Petition has been filed to direct the respondent to register the F.I.R. based on the complaint on 13.09.2022.



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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.No.1059/DC-PLK/COP/2022 dated 25.11.2022 is pending and he prays time for completion of enquiry and for filing report.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal 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 cannot issue any direction for registration of FIR. High Court can intervene only in extraordinary circumstances and rare cases.

5. 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 FIR otherwise they may close the complaint. Such exercise shall be completed



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within a period of two weeks from the date of receipt of a copy of this order.

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6. 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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To

1. The State represented by
The Inspector of Police, Crime,
S-10, Pallikarani Police Station,
Chennai.

2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

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