



Crl.O.P.No.30804 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30804 of 2022

S.Vignesh
Petitioner

...

Vs.

- 1.The State Rep by,
The Superintendent of Police,
O/o. District Superintendent of Police,
Krishnagiri District.
2. The Deputy Superintendent of Police,
O/o. The The Deputy Superintendent of Police,
Hosur, Krishnagiri District.
3. The Inspector of Police,
Mathigiri Police Station,
Mathigiri,
Krishnagiri District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 3rd respondent police to register the FIR on the basis of the petitioner's complaint dated 09.11.2022.

For Petitioner : Mr. T.Elumalai

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



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ORDER

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This Criminal Original Petition has been filed to direct the 3rd respondent police to register the FIR on the basis of the petitioner's complaint dated 09.11.2022.

2. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, on receipt of complaint dated 09.11.2022 from the petitioner, the third respondent police have conducted enquiry in C.S.R No.161 of 2022 and it is pending for further investigation.

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

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



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only in extraordinary circumstances and rare cases. However, taking note of the fact that the complaint is now 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, the third 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.

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

14.12.2022

Internet: Yes/No
sma



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G.CHANDRASEKHARAN,J.

Sma

To

1. The Superintendent of Police,
O/o. District Superintendent of Police,
Krishnagiri District.
2. The Deputy Superintendent of Police,
O/o. The The Deputy Superintendent of Police,
Hosur, Krishnagiri District.
3. The Inspector of Police,
Mathigiri Police Station,
Mathigiri,
Krishnagiri District.
4. The Public Prosecutor,
High Court of Madras.

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