



Crl.O.P.No.30026 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.30026 of 2022

R.V.Karunanidhi

... Petitioner

Vs.

1.The State represented by
The Superintendent of Police,
Thiruvarur District.

2.The Inspector of Police,
District Crime Branch,
Thiruvarur District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the second respondent to register FIR on the basis of the petitioner's
complaints dated 02.05.2018 and 11.10.2022.

For Petitioner : Mr.S.N.Thangaraj

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



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ORDER

This Criminal Original Petition has been filed to direct the second respondent to register the FIR on the basis of the petitioner's complaints dated 02.05.2018 and 11.10.2022.

2. The learned counsel appearing for the petitioner submitted that the petitioner is running a petrol bunk in the name and style of “Arunabaskar Agency Petrol Bunk“. While so, one K.Karthick, who was an employee in the petitioner's bunk, had misappropriated a sum of Rs.41,21,607/- from the petrol bunk. Therefore, the petitioner gave a separate complaints against the said Karthick on 02.05.2018 and 11.10.2022 respectively, however, the second respondent police has not registered a case till now. Therefore, the second respondent police may be directed to register the case, based on the complaints given by the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, after receipt of complaint dated 11.10.2022 from the petitioner, the second respondent police have conducted enquiry in C.S.R



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No.16056 of 2022 and it is pending for further investigation.

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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 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.



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G.CHANDRASEKHARAN,J.

shk

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

06.12.2022

Internet: Yes/No
shk

To

- 1.The Superintendent of Police,
Thiruvarur District.
- 2.The Inspector of Police,
District Crime Branch,
Thiruvarur District.
3. The Public Prosecutor,
High Court of Madras.

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