



CrI.O.P.No.30087 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30087 of 2022

S.Subbammal

... Petitioner

Vs.

1.The Superintendent of Police,
Tirupur District, Tirupur.

2.The Deputy Superintendent of Police,
Tirupur District, Tirupur.

3.The Inspector of Police,
Sevur Police Station,
Avinashi, Tirupur District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register the complaint of the petitioner dated 11.11.2022 and investigate the same and file a final report before the appropriate court within the reasonable time.

For Petitioner : Mr.Anand Venkatesh for
Mr.V.Logeshwaren

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



Crl.O.P.No.30087 of 2022

ORDER

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This Criminal Original Petition has been filed to direct the respondent to register the complaint of the petitioner dated 11.11.2022 and investigate the same and file a final report before the appropriate court

2. The learned counsel appearing for the petitioner submitted that the petitioner is the co-owner of the agricultural land to an extent of 3.12 acres comprising in Survey Nos.201/1, 205/3 and 206/4 in Karumapalayam Village, Avinashi Taluk, Tirupur District. While so, one Jagadhambal, Rangasamy, Maheswari, Mahalakshmi, Jayabharathi and Rani, are trying to take possession of the property by creating forged documents. Therefore, the petitioner gave a complaint against the above said persons on 11.11.2022, however, the respondents 1 to 3 have not registered a case till now. Therefore, the respondents police may be directed to register the case, based on the complaint given by the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, after receipt of complaint dated 11.11.2022 from the petitioner, the third respondent police have conducted enquiry in C.S.R No.325 of 2022 and it is pending for further investigation.



Crl.O.P.No.30087 of 2022

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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 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.



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Crl.O.P.No.30087 of 2022

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,
Tirupur District, Tirupur.
- 2.The Deputy Superintendent of Police,
Tirupur District, Tirupur.
- 3.The Inspector of Police,
Sevur Police Station,
Avinashi, Tirupur District.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.30087 of 2022