



Crl.O.P.No.30123 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.30123 of 2022

P.Chandrakala

... Petitioner

Vs.

1.The Superintendent of Police,
Office of Superintendent of Police,
Chengalpattu District.

2.State rep by
The Inspector of Police,
Mahabalipuram Police Station,
Chengalpattu District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the second respondent to register the petitioner's complaint dated
10.11.2022 and vide CSR No.692 of 2022 dated 10.11.2022, expedite the
investigation within the stipulated time.

For Petitioner : Mr.M.Govindaraju

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 petitioner's complaint dated 10.11.2022.

2. The learned counsel appearing for the petitioner submitted that the petitioner is the absolute owner of the property in Survey No.297/13, 294/14 admeasuring to an extent of 24852 square feet. While so on 31.10.2022, one Jayalakshmi along with her son had attempted to trespass into the property by breaking the lock. Therefore, the petitioner gave a complaint against the said Jayalakshmi on 10.11.2022, 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 compliant given by the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, after receipt of complaint dated 10.11.2022 from the petitioner, the second respondent police have conducted enquiry in C.S.R No.692 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 now pending for enquiry, 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 second 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,
Office of Superintendent of Police,
Chengalpattu District.
2. The Inspector of Police,
Mahabalipuram Police Station,
Chengalpattu District.
3. The Public Prosecutor,
High Court of Madras.

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