



CrI.O.P.No.30326 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30326 of 2022

S.Ravi

... Petitioner

Vs.

1.The State represented by,
The Superintendent of Police,
District Superintendent of Police Office,
Namakkal District.

2.The Inspector of Police
Namakkal Police Station,
Namakkal Town,
Namakkal.

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent police to register the FIR based on the petitioner's complaint dated 17.09.2021.

For Petitioner : Mr.W.Camyles Gandhi

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



Crl.O.P.No.30326 of 2022

ORDER

This Criminal Original Petition has been filed to direct the second respondent Police to register the FIR based on the petitioner's complaint dated 17.09.2021.

2. The learned counsel for the petitioner submits that one Vijay had stolen 68 cell phones from the petitioner, who is working as Assistant Manager in Mayuri Electronics Private Ltd. Despite giving complaint, the second respondent has not registered the complaint.

3. The learned Government Advocate (Criminal side) submitted that on the basis of the complaint given by the petitioner enquiry is pending and he prays time for completion of enquiry and for filing report.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondents.

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



Crl.O.P.No.30326 of 2022

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 and not been 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 today.

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

08.12.2022

Index: Yes/No

Speaking/Non speaking order

gd



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Crl.O.P.No.30326 of 2022

G.CHANDRASEKHARAN.J.,

gd

To

- 1.The State represented by,
The Superintendent of Police,
District Superintendent of Police Office,
Namakkal District.
- 2.The Inspector of Police
Namakkal Police Station,
Namakkal Town,
Namakkal.
3. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.30326 of 2022

08.12.2022