



CrI.O.P.No.31470 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.31470 of 2022

P.Sathiyavathi

... Petitioner

Vs.

The Inspector of Police,
R-4, Soundarapandiyanar Angadi
Police Station, (Crime), T.Nagar,
Chennai District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register the petitioner complaint dated 21.11.2022 vide CSR No.311 of 2022 dated 22.11.2022.

For Petitioner : Mr.P.Muthamizhselvkumar

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

ORDER

This Criminal Original Petition has been filed to direct the respondent to register the petitioner's complaint dated 21.11.2022.



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2. The learned counsel appearing for the petitioner submitted that though the petitioner gave a complaint against one Devi on 22.11.2022 with regard to lease dispute, the respondent has not registered a case till now. Therefore, the 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 22.11.2022 from the petitioner, the respondent police had conducted enquiry in C.S.R No.311 of 2022 and it is pending for further enquiry.

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



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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 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.

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

20.12.2022

Internet: Yes/No
shk



WEB COPY



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G.CHANDRASEKHARAN,J.
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.

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