



Crl.O.P.No.31348 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31348 of 2022

1.Moithukutty
2.Ibrahim Kutty
3.S.Sarvanan

... Petitioners

Vs.

1.The Commissioner of Police,
Tambaram Commissionerate,
Sholinganallur, Chennai 600 119.

2.The Deputy Commissioner of Police,
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur, Chennai 600 119.

3.The Inspector of Police,
Entrustment Document Fraud -II,
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur, Chennai 600 119.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first respondent to register the petitioners complaint dated 27.09.2022 and 14.11.2022 and proceed with the investigation in accordance with law for the offences of cheating, breach of trust, criminal conspiracy,



Crl.O.P.No.31348 of 2022

fraud, misappropriation of funds, etc who have all joined together with common intention to cheat the petitioners and their friends who are the actual investors.

For Petitioners : Mr.M.Rajasekaran

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

ORDER

This Criminal Original Petition has been filed to direct the first respondent to register the petitioners' complaints dated 27.09.2022 and 14.11.2022.

2. The learned counsel appearing for the petitioners submitted that the accused had cheated the petitioners totally to the tune of Rs.3,00,00,000/-. Therefore, the petitioners had given a complaint before the third respondent on 27.09.2022. However, no effective steps had been taken by the third respondent. Later, the petitioners had given another complaint before the first respondent on 14.11.2022. The same has also not been considered and the respondents have not registered a case till now. Therefore, the respondents police may be directed to register the case, based on the compliants given by the petitioners.



Crl.O.P.No.31348 of 2022

3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that, after receipt of complaint dated 27.09.2022 from the petitioners, the third respondent police had conducted enquiry in C.No.814/DC-CCB-TMB/T/2022 and it is pending for further investigation.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (crl.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 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



Crl.O.P.No.31348 of 2022

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

Index:Yes/No

Speaking/Non speaking order

shk



Crl.O.P.No.31348 of 2022

To

WEB COPY

- 1.The Commissioner of Police,
Tambaram Commissionerate,
Sholinganallur, Chennai 600 119.
- 2.The Deputy Commissioner of Police,
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur, Chennai 600 119.
- 3.The Inspector of Police,
Entrustment Document Fraud -II,
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur, Chennai 600 119.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.31348 of 2022

G.CHANDRASEKHARAN,J.
shk

Crl.O.P.No.31348 of 2022

20.12.2022