



Crl.O.P.No.31222 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31222 of 2022

K.Ramuthai

... Petitioner

Vs.

The State rep.by,

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Chennai - 600 007.
2. The Deputy Commissioner of Police
Office of the Deputy Commissioner of Police,
Maduravoyal, Chennai - 600 095.
3. The Inspector of Police,
T4 Police Station,
Maduravoyal,
Poonamalle High Road,
Chennai - 600 095.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 3rd respondent police to register the FIR on the petitioner's complaint dated 20.01.2022 on the file of the 3rd respondent police and investigate the same in accordance with law.



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For Petitioner : Mr.V.Rappaswamee

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

ORDER

This Criminal Original Petition has been filed to direct the third respondent to register the petitioner's complaint dated 20.01.2022.

2. The learned counsel appearing for the petitioner submitted that due to property dispute, the petitioner's eldest son one Narasingaperumal and her wife Chandralekha along with others attempted to grab the petitioner's property. Therefore, the petitioner gave a complaint on 20.01.2022, however, the third respondent police has not registered a case till now. Therefore, the third 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 20.01.2022 from the petitioner, the 3rd respondent police have conducted enquiry in Current Paper No.77/ACKBR/Rge/DCPG/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.

Sma

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

19.12.2022

Internet: Yes/No

Sma

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Chennai - 600 007.
2. The Deputy Commissioner of Police
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