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CrI.O.P.No.31355 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.31355 of 2022

T.S.Thenmozhi

... Petitioner

Vs.

1.The Superintendent of Police,
Coimbatore District.

2.The Inspector of Police,
Annur Police Station,
Coimbatore District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondents herein to register a case based on the complaint dated
26.07.2022 given by the petitioner and investigate the matter in accordance
with law.

For Petitioner : Mr.T.Balachandran

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

ORDER



Crl.O.P.No.31355 of 2022

This Criminal Original Petition has been filed to direct the respondents to register a case based on the complaint dated 26.07.2022 given by the petitioner.

2. The learned counsel appearing for the petitioner submitted that the accused one Somasuntharam had cheated the petitioner to the tune of Rs.50,000/- and also transferred the RC book of the petitioner to his name. Therefore, the petitioner gave a complaint dated 26.07.2022 before the respondents to take appropriate action against the accused. Despite the complaint given by the petitioner, the respondents have not registered a case till now. Therefore, the respondents police may be directed to register the case, based on the complaint given by the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that, after receipt of complaint dated 26.07.2022 from the petitioner, the second respondent police had conducted enquiry and it is pending for further investigation.

4. Heard the learned counsel for the petitioner and the learned



Crl.O.P.No.31355 of 2022

Government Advocate (crl.side) for the respondents.

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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 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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Crl.O.P.No.31355 of 2022

G.CHANDRASEKHARAN,J.

shk

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

To

- 1.The Superintendent of Police,
Coimbatore District.
- 2.The Inspector of Police,
Annur Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.31355 of 2022