



Crl.OP.No.31505 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31505 of 2022

Misba Amrin

... Petitioner

Vs.

1. The Commissioner of Police,
O/o. Commissioner Office,
Tambaram.

2. The Deputy Commissioner of Police,
O/o. Commissioner Office,
Tambaram.

3. The Assistant Commissioner of Police,
O/o. Assistant Commissioner Office,
Guduvancherry.

4. The Inspector of Police,
All Women Police Station,
Guduvancherry.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 4th Respondent Police to register an FIR for petitioner's complaint dated 19.11.2022 in accordance with law.



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For Petitioner : Mr.V.Muthupandi
For Respondents : Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to register an FIR for petitioner's complaint dated 19.11.2022 in accordance with law.

2. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, on receipt of complaint dated 19.11.2022 from the petitioner, the fourth respondent police have conducted enquiry in C.No.34 of 2022 and it is pending for further investigation.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondent.

4. The Division Bench of this Court in ***G.Prabhakaran v. The Superintendent of Police, Thanjavur***, reported in ***(2018) 2 LW Crl 489*** and the



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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 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.

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

21.12.2022

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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G.CHANDRASEKHARAN,J.

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To

1. The Commissioner of Police,
O/o. Commissioner Office,
Tambaram.
2. The Deputy Commissioner of Police,
O/o. Commissioner Office,
Tambaram.
3. The Assistant Commissioner of Police,
O/o. Assistant Commissioner Office,
Guduvancherry.
4. The Inspector of Police,
All Women Police Station,
Guduvancherry.
5. The Public Prosecutor,
High Court of Madras, Chennai.

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