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Crl.O.P.No.31642 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31642 of 2022

Kareem Ibrahim Sha

... Petitioner

Vs.

1.The State represented by its
The Commissioner of Police,
Greater Chennai,
Vepery, Chennai – 600 007.

2.The Inspector of Police,
R-8, Vadapalani Police Station,
Chennai – 600 026.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent to register the petitioner's complaint dated 31.10.2022.

For Petitioner : Mr.P.Sundararajan

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

ORDER

This Criminal Original Petition has been filed for directing the 2nd respondent to register the petitioner's complaint dated 31.10.2022.



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2. The learned counsel for the petitioner submitted that one Raja and Devi borrowed a sum of Rs.10,00,000/- from the petitioner in the year 2011. When the petitioner demanded the money, the accused abused and threatened the petitioner with dire consequences. Therefore, the petitioner gave a complaint before the 2nd respondent police on 31.10.2022. However, no action has been taken in that regard. Therefore, the respondent 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 respondent submitted that, after receipt of complaint dated 31.10.2022 from the petitioner, the respondent police have conducted enquiry in C.S.R No.793 of 2022 and it is pending for continuation of enquiry.

4. Heard the learned counsel for the petitioner 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



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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.

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

22.12.2022

Internet: Yes/No
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G.CHANDRASEKHARAN,J.



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To

- 1.The State represented by its
The Commissioner of Police,
Greater Chennai,
Vepery, Chennai – 600 007.
- 2.The Inspector of Police,
R-8, Vadapalani Police Station,
Chennai – 600 026.
3. The Public Prosecutor,
High Court of Madras.

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22.12.2022