



Crl.O.P.No.31659 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31659 of 2022

Pandiyan

... Petitioner

Vs.

1.The Superintendent of Police,
Cuddalore
Cuddalore District.

2.The Deputy Superintendent of Police,
Tittagudi,
Cuddalore District.

3.The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register the petitioner's complaint dated 01.12.2022 and vide CSR.No.682 of 2022 and investigate the matter in accordance with law.

For Petitioner : Mr.K.Karuppaiyamooppanar

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



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ORDER

This Criminal Original Petition has been filed for directing the respondent to register the petitioner's complaint dated 01.12.2022.

2. The learned counsel for the petitioner submitted that one Veerapandiyan and Ezhumalai, who were working as Sales men in Avati TASMACH, misappropriated a sum of Rs.7,90,000/- from the shop. Thereafter, the accused borrowed Rs.3,00,000/- on 07.03.2022 and Rs.4,90,000/-on 14.03.2022 from the petitioner to settle the amount they had misappropriated. When the petitioner demanded the money, the accused persons abused and threatened the petitioner with dire consequences. The petitioner gave a complaint before the respondent police on 01.12.2022, for which no action has been taken till date. 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 01.12.2022 from the petitioner, the respondent police have conducted enquiry in C.S.R No.682 of 2022 and it is pending for continuation of enquiry.



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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 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.

G.CHANDRASEKHARAN,J.



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

22.12.2022

Internet: Yes/No
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To

1. The Superintendent of Police,
Cuddalore
Cuddalore District.
2. The Deputy Superintendent of Police,
Tittagudi,
Cuddalore District.
3. The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.

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