



WEB COPY



Crl.O.P.No.32550 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.12.2022

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.32550 of 2022

M.Rohini

... Petitioner

Vs.

1.The Commissioner of Police,
Chennai District,
Chennai.

2.The Inspector of Police,
R2 Kodambakkam Police Station,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent to register FIR.

For Petitioner : Mr.M.Murali

For Respondents : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent to register the FIR on the basis of the petitioner's complaint dated 18.12.2022.



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2.The learned counsel appearing for the petitioner submitted that one Surya and his family members along with one politically influenced person have assaulted the petitioner and her family members. Therefore, the petitioner gave a complaint against the said Surya and others on 16.12.2018, however, the second respondent police has not registered a case till now. Thereafter, the petitioner has also given a complaint to the first respondent on 18.12.2022. Therefore, the second 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 18.12.2022 from the petitioner, the second respondent police have conducted enquiry and it is pending.

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



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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 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 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.

28.12.2022

Index: Yes/No
Internet: Yes/No
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A.A.NAKKIRAN,J.

sp/ham

To

- 1.The Commissioner of Police,
Chennai District,
Chennai.
- 2.The Inspector of Police,
R2 Kodambakkam Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.

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