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CrI.O.P.No.10 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.10 of 2023

R.Subramani

... Petitioner

Vs.

1.The State rep by
The Superintendent of Police,
District Superintendent of Police Office,
Namakkal District.

2.The Inspector of Police,
District Crime Branch,
Namakkal,
Namakkal.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the second respondent to register the FIR based on the petitioner's
complaint dated 24.11.2021.

For Petitioner : Mr.W.Camyles Gandhi

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



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ORDER

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This Criminal Original Petition has been filed to direct the second respondent to register the case based on the petitioner's complaint dated 24.11.2021.

2. The learned counsel appearing for the petitioner submitted that the petitioner in respect of starting a dry fish business, paid a sum of Rs.7,00,000/- to one Jagir Bhai. Thereafter, on insistence of one Rathinam and Hithensha, again the petitioner paid a sum of Rs.2,00,000/- to the said Jagir Bhai. When the petitioner asked the aforesaid persons to return his money, they threatened him with dire consequences. Therefore, the petitioner gave a complaint before the first respondent and the same was forwarded to the second respondent. However, till date, no FIR has been registered. Hence, the present petition has been filed.

3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that, after a receipt of complaint dated 24.11.2021, the second respondent police had conducted enquiry in C.No.G5/795/18605/2022 and it is pending.



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

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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G.CHANDRASEKHARAN,J.

shk

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

05.01.2023

shk

To

- 1.The Superintendent of Police,
District Superintendent of Police Office,
Namakkal District.
- 2.The Inspector of Police,
District Crime Branch,
Namakkal,
Namakkal.
3. The Public Prosecutor,
High Court of Madras.

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