



Crl.OP.No.1069 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1069 of 2023

Jagadeeswaran

... Petitioner

Vs.

1. The Commissioner of Police,
Salem City.

2. The Inspector of Police,
Sooramangalam,
Salem City.

... 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 22.07.2020 and subsequently on 18.04.2022 and investigate the matter in accordance with law.

For Petitioner

: Mr.K.Karuppaiya Moopanar

For Respondent

: Mr.S.Santhosh
Government Advocate (Crl.Side)



Crl.OP.No.1069 of 2023

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to register the petitioner's complaint dated 22.07.2020 and subsequently on 18.04.2022 and investigate the matter in accordance with law.

2. The learned counsel for the petitioner submitted that petitioner borrowed a sum of Rs. 30,000/- from one Baskar in the year 2019. For which, the said Baskar along with other accused had taken the petitioner's Bolero Car bearing Reg.No.TN 28 BZ 4445 and then refused to hand over the vehicle. Therefore, the petitioner gave a complaint on 22.07.2022 and subsequently on 18.04.2022. However, no FIR is registered till now, resulting in filing of this petition.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, after the receipt of complaint dated 18.04.2022 from the petitioner, the respondent police had conducted enquiry in CSR No.875 of 2022 and it is pending.



Crl.OP.No.1069 of 2023

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 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.



Crl.OP.No.1069 of 2023

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

WEB COPY of.

19.01.2023

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To

1. The Commissioner of Police,
Salem City.
2. The Inspector of Police,
Sooramangalam,
Salem City.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.OP.No.1069 of 2023

G.CHANDRASEKHARAN,J.

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Crl.O.P.No.1069 of 2023

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