



WEB COPY



Crl.O.P.No.170 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.170 of 2023

Sathya

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Kumarapalayam,
Namakkal District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register the case on the basis of the complaint given by the petitioner on 25.11.2022.

For Petitioner : Mr.S.Sivakumar

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

ORDER

This Criminal Original Petition has been filed to direct the respondent to register the case, based on the petitioner's complaint dated 25.11.2022.



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2. The learned counsel appearing for the petitioner submitted that the petitioner borrowed a sum of Rs.20,00,00/- as a loan from M/S Vistaar Financial Services Private Limited. As far as the loan is concerned, the petitioner is liable to pay a sum of Rs.34,369/- per month to the said company. Due to Covid-19 pandemic, the petitioner was unable to pay the monthly instalment. While so, on 25.11.2022, one Arun, who is the Manager of M/S Vistaar Financial Services Private Limited and Jeganathan, who is the employee of the said company, came to the house of the petitioner and threatened her with dire consequences. Therefore, the petitioner gave a complaint before the respondent police. 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 respondent submitted that, after a receipt of complaint dated 25.11.2022, the respondent police had conducted enquiry in CSR No.245 of 2022 and it is pending. Despite the summon sent to the petitioner, she has not cooperated for enquiry.

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



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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.

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

05.01.2023

shk



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G.CHANDRASEKHARAN,J.

shk

To

- 1.The Inspector of Police,
Kumarapalayam,
Namakkal District.
2. The Public Prosecutor,
High Court of Madras.

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05.01.2023