



WEB COPY



Crl.O.P.No.519 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.519 of 2023

S.Gopinath

... Petitioner

Vs.

1.The Superintendent of Police,
District Superintendent Office,
Thiruvallur District.

2.The Inspector of Police,
All Women Police Station,
Uthukottai,
Thiruvallur.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to complete the enquiry summon issued by the second respondent on 12.08.2022 under Section 160 and 91 of Cr.P.C and register the case against the K.Kiranthi Kumar and his son E.Keswarar and Dharakeswarar based on the petitioner complaint dated 30.04.2022.

For Petitioner : Mr.T.Arulselvan

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



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ORDER

This Criminal Original Petition has been filed to direct the respondents to complete the enquiry and register the case, based on the petitioner's complaint dated 30.04.2022.

2. The learned counsel appearing for the petitioner submitted that there was a marriage proposal between the petitioner's sister and one Ekeswar. The petitioner's family accepted the marriage proposal and with regard to the same, the petitioner's family conducted betrothal function. During the betrothal, Ekeswar's family demanded 40 sovereign of jewels and other house hold articles. Therefore, the petitioner had paid a sum of Rs.3 lakhs to the Ekeshwar's family. Later, they started to demand more money, due to which, the petitioner's family, without any option, lodged a complaint before the first respondent on 30.04.2022. 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 receipt of a complaint dated 30.04.2022, the second respondent police had conducted enquiry in C.No.188 of 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 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 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.

10.01.2023

shk

To

- 1.The Superintendent of Police,
District Superintendent Office,
Thiruvallur District.
- 2.The Inspector of Police,
All Women Police Station,
Uthukottai,
Thiruvallur.
3. The Public Prosecutor,
High Court of Madras.

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