



WEB COPY



CrI.O.P.No.269 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.269 of 2023

B.Mani

... 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 18.11.2022.

For Petitioner : Mr.W.Camyles Gandhi

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



WEB COPY



CrI.O.P.No.269 of 2023

ORDER

This Criminal Original Petition has been filed to direct the second respondent to register the FIR based on the petitioner's complaint dated 18.11.2022.

2. The learned counsel for the petitioner submitted that the petitioner gave a complaint dated 18.11.2022 to the respondent police alleging that the accused had forged the sale deeds in respect of petitioner's grandfather's property by impersonating the petitioner's father. Since no action has been taken, this petition is filed.

3. The learned Government Advocate (Criminal side) submitted that on the basis of the complaint given by the petitioner, the petition enquiry was conducted and the same is pending.

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



CrI.O.P.No.269 of 2023

5. The Division Bench of this Court in ***G.Prabhakaran v. The Superintendent of Police, Thanjavur***, reported in ***(2018) 2 LW CrI 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.

06.01.2023

nsa



CrI.O.P.No.269 of 2023

WEB COPY

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.



WEB COPY



Crl.O.P.No.269 of 2023

G.CHANDRASEKHARAN,J.

nsa

Crl.O.P.No.269 of 2023

06.01.2023