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Crl.O.P.Nos.563 & 565 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.Nos.563 & 565 of 2023

In both Crl.O.P's

Mohan

...Petitioner

Vs.

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

2.The Inspector of Police
SIPCOT Police Station
Ranipet
Ranipettai District.

...Respondents

Prayer in both Crl.O.P.s: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent police to register the case on the complaints of the petitioner dated 04.06.2022 and 26.07.2022 respectively, investigate the same and to file final report.



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Crl.O.P.Nos.563 & 565 of 2023

In both Crl.OPs

For Petitioner : Mr.G.Pugazhenthir

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

ORDER

These Criminal Original Petitions have been filed to direct the second respondent police to register the case on the complaints of the petitioner dated 04.06.2022 and 26.07.2022 , investigate the same and to file final report.

2. The learned counsel for the petitioner submitted that the petitioner had taken lease of land from one Bhanumathi and doing chemical business in the name and style of M/s. Sri Skyline Traders. The petitioner stocked raw materials and other machenaries worth about Rs.50 lakhs. The land owner Bhanumathi attempted to forcibly evict the petitioner. Theefore, the petitioner filed a suit before the District Munsiff Court, Ranipet in O.S.No.17 of 2021. Pending suit, on 11.08.2021 at about 06.00.a.m., one Real Estate Broker Sampath along with few Henchmens trespassed into the petitioner's premises and forcibly attempted to evict the petitioner and threatened with dire consequences and also damaged the house hold articles worth about Rs.52,070/-. They also made death threat to the petitioner. In this regard, a complaint was given on 11.08.2021 before the 2nd respondent police station.



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However, no action was taken till now. Again, he sent a complaint on 12.08.2021. While so, on 29.12.2021, at about 12.00 noon, when the petitioner visited his company, he found that the Door was broken and articles worth about Rs.1,40,000/- were stolen. Thereafter, he gave a complaint before the 1st respondent on 01.11.2022. But, it was not received. Therefore, he sent the complaint to the 2nd respondent police, however, till now, no steps have been taken. Again on 10.11.2022 at about 05.00.p.m., the accused persons kicked him and threatened him at knife point and they have also made death threat. In this regard also complaint was given. Despite several complaints, the respondent police has not taken any steps till now. Therefore, the present petition is filed.

3. In response, the learned Government Advocate (Crl.Side) appearing for the respondents submitted that, after receipt of complaint dated 23.10.2021, FIR in Crime No.534 of 2021 was registered for the offence under Sections 294(b), 447, 323, 506(1), 379 of IPC.

4. However, on perusal of the FIR shows that FIR was registered for the occurrences that had happened on 11.08.2021 and 10.09.2021, where as with regard to the incidents happened on 04.06.2022 and 26.07.2022, no FIR has been registered.



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

6. 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 no FIR is registered on the basis of the complaint dated 04.06.2022 and 26.07.2022, 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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7. With the above directions, these Criminal Original Petitions are disposed of.

11.01.2023

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To

- 1.The Superintendent of Police
District Police Office,
Ranipettai District.
- 2.The Inspector of Police
SIPCOT Police Station
Ranipet
Ranipettai District.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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