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CrI.O.P.No.765 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.765 of 2023

K.Sekar

... Petitioner

Vs.

1.The State rep by
The Superintendent of Police,
Chengalpattu District, Chengalpattu.

2.The Inspector of Police,
District Crime Branch,
Chengalpattu District,
Chengalpattu.

... Respondents

PRAYER:

This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to register the FIR based on the petitioner's complaint dated 19.12.2022.

For Petitioner : Mr.M.Selvam

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 register the FIR based on the petitioner's complaint dated 19.12.2022.

2. The learned counsel for the petitioner submitted that the petitioner was allotted 49½ cents in partition among his brothers on 10.01.2013. On the same day, one Durai had forged his signature and created a sale deed as if the petitioner had sold a certain extent cents. The petitioner is an illiterate and using his illiteracy, Durai along with Ganeshkumar had created a sale deed. Therefore, complaint dated 19.12.2022 was given. Since no FIR was registered, this petition is filed.

3. In response, the learned Government Advocate (Criminal side) submitted that on the basis of the complaint given by the petitioner petition enquiry is pending in CSR.No.120 of 2022.



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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 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.



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

12.01.2023

nsa

To

- 1.The Superintendent of Police,
Chengalpattu District, Chengalpattu.
- 2.The Inspector of Police,
District Crime Branch,
Chengapattu District,
Chengalpaatu.
- 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

nsa

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