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Crl.OP.No.844 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.844 of 2023

Pachaiyappan

Vs.

... Petitioner

1. The Superintendent of Police,
Thiruvannamalai District.

2. The Inspector of Police,
Arani Town Police Station,
Thiruvannamalai District.

3. M/s. Cholanamsalam Investment and Finance Company Limited,
Rep. By its Senior Manager,
Mr. K.Thiyagarajan
Dare House, No.2, N.S.C Bose Road,
Parrys, Chennai – 600 001.
(Impleaded as per the order passed in
Crl.M.P.No.1313 of 2023 dated 03.02.2023)

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the 2nd respondent to register the complaint dated 21.11.2022 in CSR
No.794 of 2022.



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Crl.OP.No.844 of 2023

For Petitioner

: Mr.S.Premakumari

For R1 & R2

: Mr.S.Santhosh

Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the respondents to register the FIR and take further action in accordance with law.

2. The learned counsel for the petitioner submitted that petitioner is a tenant under one Sudha W/o. Arasu for a monthly rent of Rs.15,000/- and running a water service station in the premises. On 19.11.2022, the staff members of M/s. Cholamansalam Investment and Finance Company Limited, had forcibly removed the electricity connection and sealed the premises unlawfully. For which, petitioner gave a complaint on 21.11.2022, however, no action was taken.

3. The learned counsel for the 3rd respondent submitted that SARFAESI Proceedings was initiated against one Sudha and Arasu. In pursuance of the



Crl.OP.No.844 of 2023

order passed under Section 14 of SARFAESI Act, possession had been taken.

However, petitioner had re-entered the premises. For which, FIR in Crime No.577 of 2022 was registered for the offence under Sections 147, 448 and 183 of IPC on the file of the Arani Town Police Station.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, on receipt of complaint dated 21.11.2022 from the petitioner, second respondent police had registered CSR No.794 of 2022 and it is pending for enquiry.

5. In reply, the learned counsel for the petitioner submitted that para(7) of the affidavit filed in Crl.M.P.No.1313 of 2023, it is only stated that application filed in Crl.M.P.No.1345 of 2022 dated 13.09.2022 by appointing advocate commissioner to take physical possession of the property, which is pending adjudication.

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



CrI.OP.No.844 of 2023

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.

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

03.02.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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Crl.OP.No.844 of 2023

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- To
1. The Superintendent of Police,
Thiruvannamalai District.
 2. The Inspector of Police,
Arani Town Police Station,
Thiruvannamalai District.
 3. The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.OP.No.844 of 2023

G.CHANDRASEKHARAN,J.

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Crl.O.P.No.844 of 2023

03.02.2023