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Crl.OP.No.1030 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1030 of 2023

V.Kannan

... Petitioner

Vs.

1. The Superintendent of Police (East),
Jawaharlal Nehru Street, Puducherry.

2. The Union Territory of Puducherry,
Represented by its Station House Officer,
Muthiyalpet Police Station,
Muthiyalpet, Puducherry.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent to register the petitioner's complaint dated 17.12.2022 and file a FIR.

For Petitioner : Mr.Dr.A.Thiyagarajan (Senior Advocate)
for Mr. D.Senthil Kumar

For Respondent : Mr.V.Balamurugane
Public Prosecutor for Puducherry



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ORDER

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This Criminal Original Petition has been filed to direct the 2nd respondent to register the petitioner's complaint dated 17.12.2022 and file a FIR.

2. The learned counsel for the petitioner submitted that the petitioner purchased one mandapam on 22.03.2013 from one Saroja. Relying on the release deed dated 18.07.2016, executed by her father, Saroja claims the property from the petitioner. Based on the complaint given by the petitioner, the District Registrar, Puducherry, canceled the release deed as “Fraudulent Transaction”. Thereafter, the petitioner lodged a complaint before the respondent police on 17.12.2022, for creating forged documents. However, till now, no action was taken. Hence, present petition is filed.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, after the receipt of complaint dated 17.12.2022 from the petitioner, CSR enquiry is pending.

4. Heard the learned counsel for the petitioner and the learned



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Government Advocate (crl.side) for the respondent.

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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 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



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Sma

To

1. The Superintendent of Police (East),
Jawaharlal Nehru Street, Puducherry.
2. The Union Territory of Puducherry,
Represented by its Station House Officer,
Muthiyalpet Police Station,
Muthiyalpet, Puducherry.
3. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.



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