



CrI.O.P.No.699 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.699 of 2023

N.Balakrishnamurthy

... Petitioner

Vs.

1.The Superintendent of Police,
Cuddalore District,
Cuddalore-607 001.

2.The Inspector of Police,
Virudhachalam Police Station,
Virudhachalam 606 001.

... Respondents

PRAYER:

This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent to register the complaint of the petitioner, dated 04.10.2022 and investigate the case in accordance with law.

For Petitioner	: Mr.J.Arun Prasad
For Respondents	: Mr.S.Santhosh, Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the second respondent to register the complaint of the petitioner, dated 04.10.2022 and investigate the case in accordance with law.

2. The learned counsel for the petitioner submitted that one J.Govindaraj, is causing disturbance to the petitioners maintenance work in his building. He was abusing the petitioner and preventing the doing of any maintenance work in his building. In this regard, a complaint dated 04.10.2022 was given. However, no action has been taken. Hence this petition.

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

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

12.01.2023

nsa



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To

- 1.The Superintendent of Police,
Cuddalore District,
Cuddalore-607 001.
- 2.The Inspector of Police,
Virudhachalam Police Station,
Virudhachalam 606 001.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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12.01.2023