



Crl.O.P.No.1076 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.1076 of 2023

P.Ramakrishna

... Petitioner

Vs.

1.The Superintendent of Police,
Tiruvallur District, Tiruvallur – 602 001.

2.The Inspector of Police,
SIPCOT Police Station, gummidipoondi – 601 201.

3.M.Vil Wazhi

4.N.Kalidass

5.P.Ramakrishnan

6.R.Ramachandran

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to issue a direction to the 2nd respondent to register a case on the complaint dated 17.10.2022, investigate and file final report.

For Petitioner : Mr.R.Swarnavel

For R-1 & 2 : Mr.S.Santhosh,
Government Advocate (crl.side)



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ORDER

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This Criminal Original Petition has been filed directing the 2nd respondent to register a case on the complaint dated 17.10.2022, investigate and file final report.

2. The learned counsel for the petitioner submitted that petitioner purchased a property in Survey Nos.604/3CA, 614/1C, 641/1CB, 614/1CC, 1CB, 1C in Gummidipoondi District from one Chandra on 18.01.1982. Taking advantage of the fact that the petitioner's name and 5th respondent's name are same, 5th respondent had executed a Power of Attorney Deed, in favour of 6th respondent in the year 2013. In the said Power of Attorney Deed, 3rd and 4th respondents stood as witnesses. Thereafter, 6th respondent sold the property to the 3rd respondent. Therefore, the petitioner had given a complaint against the respondents 3 to 6 on 17.10.2022. However, no FIR was registered, necessitating filing of this petition.

3. In response, learned Government Advocate (Criminal side) submitted that on the basis of the complaint given by the petitioner, CSR.No.389 of 2022 is pending.



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4. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondents.

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 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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6. Considering the seriousness of the allegations, especially the allegation of impersonation of the petitioner, creation of Power of Attorney Deed and Sale Deed by the accused in conspiracy with each other, this Court disposes this petition, with the above direction.

20.01.2023

Internet:Yes/No
gd

To

- 1.The Superintendent of Police,
Tiruvallur District, Tiruvallur – 602 001.
- 2.The Inspector of Police,
SIPCOT Police Station, gummidipoondi – 601 201.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.
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