



Crl.OP.No.1335 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: **24.01.2023**

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1335 of 2023

Gouri Bai

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner,
A Greater Chennai,
Vepery,
Chennai – 600 007.

2.The Inspector of Police,
K.5, Police Station,
Periyar Nagar,
Peravallur,
Chennai – 600 082.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the Inspector of Police, K.5 Police Station, Periyar Nagar, Peravallur, Chennai – 600 082, based on the petitioner complaint dated 12.05.2022 to register FIR.



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For Petitioner : Mr.B.Chandran

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition is filed for directing the Inspector of Police, K.5 Police Station, Periyar Nagar, Peravallur, Chennai – 600 082, based on the petitioner complaint dated 12.05.2022 to register FIR.

2. The learned counsel for the petitioner submitted that, one E.Ezhilarasi, on the promise of lending loan to the petitioner and on the representation that, the petitioner was signing in a Mortgage Deed, she made the petitioner to sign in a Sale Deed. In this regard a complaint dated 12.05.2022 was given to the 2nd respondent. Since no action is taken, this petition is filed.

3. Learned Government Advocate (Criminal side) submitted that, the offence alleged to have happened, had happened within the jurisdiction of K9 Police Station, Thiru.Vi.Ka Nagar, Chennai. Therefore, petitioner's complaint was transferred to K9 Police Station, Thiru.Vi.Ka Nagar, Chennai.

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



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Advocate (Criminal side) for the respondents.

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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 by K9, Police Station, 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. With the above directions, this Criminal Original Petition is disposed

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Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

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A Greater Chennai,
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Chennai – 600 007.

2.The Inspector of Police,
K.5, Police Station,
Periyar Nagar,
Peravallur,
Chennai – 600 082.

3.The Inspector of Police,
K9 Police Station,
Thiru.Vi.Ka Nagar, Chennai

4.The Public Prosecutor,
Madras High Court.

G.CHANDRASEKHARAN,J.



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