



Crl.O.P.No.1125 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.1125 of 2023

Pavithra

... Petitioner

Vs.

1.The Superintendent of Police,
Chengalpet District,
Chengalpet.

2.The Inspector of Police,
Chunambedu Police Station,
Chengalpet District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent police to register FIR on the basis of the petitioner complaint dated 22.12.2022 pending on the file of the third respondent police.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.S.Santhosh,
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed directing the second respondent police to register FIR on the basis of the petitioner complaint dated 22.12.2022 pending on the file of the third respondent police.



Crl.O.P.No.1125 of 2023

WEB COPY

2. The learned counsel for the petitioner submitted that on 22.12.2022, at about 7.00 hours, petitioner, her sister and father were attacked by the accused. In this regard an enquiry in CSR.No.1152 of 2022 was conducted. However, no First Information Report is registered. Therefore, this petition is filed.

3. In response, learned Government Advocate (Criminal side) submitted that, for the same incident, petitioner's father namely Vetha Arun Nagarajan had given a complaint. On the basis of his complaint, Crime No.409 of 2022 for the offence under Sections 294(b), 323, 506(i) of IPC and 4 of Tamail Nadu Prohibition of Harassment of Women Act, 2002 was registered in Chunambedu Police Station and investigation is pending.

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

5. On perusal of the complaint given by the petitioner and allegation made in the First Information Report, it appears that there are variation with



Crl.O.P.No.1125 of 2023

regard to the nature of the allegation and time of the occurrence in both the cases. Further, additional accused are shown in the present complaint filed by the petitioner.

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 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 pending, 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.



Crl.O.P.No.1125 of 2023

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

WEB COPY

of.

20.01.2023

Internet: Yes/No
gd

To

1. The Superintendent of Police,
Chengalpet District,
Chengalpet.
2. The Inspector of Police,
Chunambedu Police Station,
Chengalpet District.
3. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.1125 of 2023

G.CHANDRASEKHARAN,J.
gd

Crl.O.P.No.1125 of 2023

20.01.2023