



Crl.OP.No.2306 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2306 of 2023

S.Rajavelu

... Petitioner

Vs.

1. The State Represented by,
The Superintendent of Police,
Namakkal District.

2. The Sub-Inspector of police,
Molasi Police Station,
Tiruchengodu,
Namakkal District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondents to register the FIR and take further action in
accordance with law.

For Petitioner

: Mr.R.Karthik

For Respondents

: Mr.S.Santhosh
Government Advocate(Crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the respondents to register the FIR and take further action in accordance with law.

2. The learned counsel for the petitioner submitted that petitioner's father Chettiya Gownder had executed settlement deed on 07.10.2004 in favour of the petitioner. Subsequently, he canceled the settlement deed on 01.11.2004 and executed sale deed in favor of Chinnasamy and two others. Aggrieved by the same, petitioner filed a suit in O.S.No.237 of 2008 on the file of Sub Curt, Tiruchengode and it is pending. Pending the suit, above said Chinnasamy, Madheswaran and Ramasamy sold the property to one Mohan. Mohan in turn sold the property to one Ramesh, who is the benami of Mohan. Now, petitioner is in possession of the property. However, Ramesh and Mohan are trying to disturb the possession of the property. They entered into the property and damaged the house using JCB. Therefore, complaint was given by the petitioner, however, till now, no FIR was registered, leading to filing of this petition.



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3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, on receipt of complaint dated 13.08.2022 from the petitioner, second respondent police had conducted enquiry and CSR No.237 of 2008 was registered and it is now referred to RDO.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondent.

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***



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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.

06.02.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

1. The Superintendent of Police,
Namakkal District.
2. The Sub-Inspector of police,
Molasi Police Station,
Tiruchengodu,
Namakkal District.
3. The Public Prosecutor,
High Court of Madras, Chennai.

4/5



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G.CHANDRASEKHARAN,J.

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