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Crl.OP.No.1530 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1530 of 2023

A.Manobalan

... Petitioner

Vs.

1. State represented by,
The Commissioner of Police,
Coimbatore City,
Coimbatore.

2. The Inspector of Police,
Kuniamuthur Police Station,
Coimbatore City.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to issue suitable directions to the respondent police to register the complaint dated 28.12.2022 submitted by the petitioner along with the CSR No.668 of 2022.

For Petitioner

: Mr.D.Bharathy

For Respondents

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



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ORDER

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This Criminal Original Petition has been filed to respondent police to register the complaint dated 28.12.2022 submitted by the petitioner along with the CSR No.668 of 2022.

2. The learned counsel for the petitioner submitted that the petitioner purchased land from one Bhuvaneshwari for valid consideration on 01.12.2021. After purchase, petitioner had constructed a building in the property. Now, Coimbatore Corporation had affixed notice stating that the property purchased by the petitioner belongs to Coimbatore Corporation. After verification, petitioner came to know that the property belongs to Coimbatore Corporation. Therefore, petitioner lodged a complaint before the 2nd respondent on 28.12.2022, however, till now no action was taken, necessitating the filing of this petition.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, on receipt of complaint dated 28.12.2022 from the petitioner, the second respondent police have conducted enquiry in



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CSR.No.668 of 2022 and it is now decided to transfer the case to Anti Land Grabbing Division, Coimbatore.

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 of Anti Land Grabbing Division 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



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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.

25.01.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

Sma

To

1. State represented by,
The Commissioner of Police,
Coimbatore City,
Coimbatore.
2. The Inspector of Police,
Kuniamuthur Police Station,
Coimbatore City.
3. Anti Land Grabbing Division,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras, Chennai.

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G.CHANDRASEKHARAN,J.

Sma

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