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CrI.OP.No.1329 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 23.01.2023

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**THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN**

**CrI.O.P.No.1329 of 2023**

N.Karnal

...Petitioner

**Vs.**

The State Represented by  
The Inspector of Police,  
Latheri Police Station, Latheri,  
Vellore District.

...Respondent

**PRAYER:** Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the petitioner's complaint dated 25.11.2022 issued in CSR.No.613 of 2022 dated 28.11.2022 by the Respondent/Latheri Police Station, Vellore District.

For Petitioner : Mr.R.Venkatesulu  
For Respondent : Mr.S.Santhosh  
Government Advocate (CrI side)

**ORDER**

This Criminal Original Petition has been filed to direct the respondent to register the petitioner's complaint dated 25.11.2022 issued in CSR.No.613 of



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2022 dated 28.11.2022 by the Respondent, Latheri Police Station, Vellore District.

2. The learned counsel for the petitioner submitted that the petitioner is the owner of the property in Survey No.201/4B and Survey No.201/4C at Vikaramasi Village by purchasing them in the year 2012. The accused in the petitioner's complaint dated 25.11.2022 is disturbing the possession and enjoyment of the property and they have also destroyed the fencing. In this regard, a complaint dated 25.11.2022 was given and an enquiry was conducted in C.S.R.No.613 of 2022. The respondent police has not registered the First Information Report, necessitating the petitioner to file this petition.

3. In response, learned Government Advocate (Criminal side) submitted that, on the basis of the complaint given by the petitioner, enquiry is pending in C.S.R.No.613 of 2022.

4. Heard the learned counsel for both sides and perused the records.

5. The Division Bench of this Court in ***G.Prabhakaran v. The Superintendent of Police, Thanjavur***, reported in ***(2018) 2 LW Crl 489*** and



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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.

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

**23.01.2023**

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Index:Yes/No

Speaking Order: Yes/No

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**G.CHANDRASEKHARAN.J.,**

gd

To

- 1.The Inspector of Police,  
Latheri Police Station, Latheri,  
Vellore District.
- 2.The Public Prosecutor  
High Court of Madras.

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