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Crl.OP.No.1212 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1212 of 2023

N.Manjula Devi

... Petitioner

Vs.

1. The State Rep by,
The Assistant Commissioner of Police,
Koyambedu Taluk,
Koyambedu Poonamallee High Road,
Maduravoyal,
Chennai – 600 095.

2. The State Rep by
The Inspector of Police,
All Women Police Station,
W-33, Virugambakkam,
Maduravoyal, Chennai – 600 095.

...

Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent to register the complaint dated 27.12.2022 and to file the FIR.

For Petitioner

: Mr.S.Naveenha Devi

For Respondents

: Mr.S.Santhosh



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Government Advocate(Crl.side)

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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to register the complaint dated 27.12.2022 and to file the FIR.

2. The learned counsel for the petitioner submitted that petitioner got married to one Suresh Kumar on 02.05.2010 and they have two children. Petitioner's husband/Suresh Kumar is a Kabadi player and he used to go for practice to Alapakkam, wherein he developed illegal intimacy with one Revathi. They both lived together in a house at Porur and they got married. In this regard, petitioner gave a complaint before the respondent police on 20.12.2022 before R5, Police Station, Virugambakkam. Revathi's parents had gave a complaint before the T4, Maduravoyal Police Station stating that their daughter is missing. Petitioner had visited T4 Police Station, wherein she was blocked by her husband and in-laws and not allowed her to enter into the Police Station. On 26.12.2022, at about 7.a.m., her husband left the house and he never returned. When she enquired about the same to her in-laws, they had scolded the petitioner in filthy language and they are supporting her husband. The complaint given to the 2nd respondent on 28.12.2022 has not evoked any



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response, necessitating the filing of the petition.

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3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, on receipt of complaint dated 28.12.2022 from the petitioner, second respondent police had conducted enquiry in C.P.No.123 of 2022 and it is pending.

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



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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 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.

31.01.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

Sma



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To

1. The Assistant Commissioner of Police,
Koyambedu Taluk,
Koyambedu Poonamallee High Road,
Maduravoyal,
Chennai – 600 095.
2. The Inspector of Police,
All Women Police Station,
W-33, Virugambakkam,
Maduravoyal, Chennai – 600 095.
3. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.



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