



Crl.O.P.No.1354 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1354 of 2023

Sabeena alias Uma

... Petitioner

Vs.

1.The State represented by
The Superintendent of Police,
Krishnagiri,
Krishnagiri District.

2.The Sub Inspector of Police,
Bargur Police Station,
Bargur,
Krishnagiri District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent to register the complaint and investigate the case on the basis of the complaint given by the petitioner online dated 17.12.2022 to the respondent.

For Petitioner : Mr.V.Kadhirvelu

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal Side)



Crl.O.P.No.1354 of 2023

ORDER

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This Criminal Original Petition is filed for directing the 2nd respondent to register the complaint and investigate the case on the basis of the complaint given by the petitioner online dated 17.12.2022 to the respondent.

2. Learned counsel for the petitioner submitted that, petitioner's grandfather namely Abdul Rahim Sahib leased the land in Survey No.210/4 in Sigarapalli to one Asmathullah for twenty years. Twenty years lease period is over, and now the son of said Asmathullah is in possession and enjoyment of the property. He is now trying to cut the trees in the land and therefore, a complaint was given. The respondent police has not taken any steps, necessitating filing of 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.172 of 2022.

4. Heard the learned counsel for the petitioner and the learned



Crl.O.P.No.1354 of 2023

Government Advocate (Criminal side) for the respondents.

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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 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.1354 of 2023

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

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of.

24.01.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

gd

To

1.The State represented by
The Superintendent of Police,
Krishnagiri,
Krishnagiri District.

2.The Sub Inspector of Police,
Bargur Police Station,
Bargur,
Krishnagiri District.

3.The Public Prosecutor,
Madras High Court.

G.CHANDRASEKHARAN,J.

4/5



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CrI.O.P.No.1354 of 2023

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CrI.O.P.No.1354 of 2023

24.01.2023

5/5