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Crl.OP.No.1483 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1483 of 2023

E.Saravanan

... Petitioner

Vs.

1. The Commissioner of Police,
Office of Avadi Commissionerate,
Avadi, Chennai – 54.

2. The Inspector of Police,
Anti-Land Grabbing Cell,
Avadi, Chennai – 54.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., directing the respondents to register the case against the named persons specified in the complaint of the petitioner dated 07.11.2022 pending with the second respondent.

For Petitioner

: Ms.H.Kalpana

For Respondents

: Mr.S.Santhosh
Govt. Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the respondents to register the case against the named persons specified in the complaint of the petitioner dated 07.11.2022 pending with the second respondent.



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2. The learned counsel for the petitioner submitted that the petitioner is the managing / founding Trustee of “Hare Krishna Seva Trust”. The accused in the complaint dated 07.11.2022 are Jayabal, Vengatesan, Venkataraman, Subramaniyan, Vignesh, Eagambaram, Subramani and Kodeeswaran had conspired together and created the documents to show that the petitioner is removed from managing trusteeship of Hare Krishna Seva Trust by impersonation and forging the documents. Despite giving the complaint in this regard, no F.I.R. was registered so far.

3. Learned Government Advocate appearing for the respondents submitted that the petitioner complaint is now forwarded to Anti-Land Grabbing Cell, CCB, Chennai. They would enquire the matter and take appropriate action.

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



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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 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 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.

27.01.2023

Index : Yes / No
Speaking / Non Speaking order
Neutral Citation Case: Yes/No
rap/sma

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- To
1. The Commissioner of Police,
Office of Avadi Commissionerate,
Avadi, Chennai – 54.
 2. The Inspector of Police,
Anti-Land Grabbing Cell,
Avadi, Chennai – 54.
 3. The Public Prosecutor,
High Court of Madras, Chennai.



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G.CHANDRASEKHARAN,J.

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