



WEB COPY



Crl.OP.No.1337 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1337 of 2023

B.Hymavathi

...Petitioner

Vs.

The State,
Represented by
The Inspector of Police, Crime,
E-3, Minjur Police Station,
Minjur, Redhills District,
Avadi Police Commissionerate
(CSR No.1013 of 2022)

...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 issued in CSR No.1013 of 2022 dated 19.12.2022, by the respondent/Minjur Police Station, Thiruvallur District.

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

ORDER



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This Criminal Original Petition has been filed to direct the respondent to register the petitioner's complaint issued in CSR No.1013 of 2022 dated 19.12.2022, by the respondent/Minjur Police Station, Thiruvallur District.

2. The learned counsel for the petitioner submitted that, the accused in the petitioner's complaint dated 19.12.2022 are tenants in her property. The accused borrowed money from the petitioner in the year 2020. When the petitioner demanded money, the accused refused to give money and made criminal intimidation against the petitioner. Therefore, this petition is filed.

3. The learned Government Advocate (Criminal side) submitted that, on the basis of the complaint given by the petitioner, an enquiry is pending in C.S.R.No.1013 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 the Hon'ble Supreme Court in its latest judgment rendered by a three Judge



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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

G.CHANDRASEKHARAN.J.,



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gd

To

1.The Inspector of Police, Crime,
E-3, Minjur Police Station,
Minjur, Redhills District,
Avadi Police Commissionerate.

2.The Public Prosecutor
High Court of Madras.

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23.01.2023