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Crl.O.P.No.1496 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1496 of 2023

P.Dinesh Kumar

...

Petitioner

Vs.

State rep by

1.The Superintendent of Police,
Thiruvallur,
Thiruvallur District.

2.Inspector of Police,
District Crime Branch,
Thiruvallur District.

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to register a case based on the petitioner's complaint in complaint ID: EUD22206007 dated 19.11.2022 in a stipulated time period.

For Petitioner : Mr.Prince Prem Kumar

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

ORDER

This Criminal Original Petition is filed to direct the respondent police to register a case based on the petitioner's complaint in complaint ID: EUD22206007, dated 19.11.2022, in a stipulated time period.



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2.The learned counsel for the petitioner submitted that the petitioner had given Rs.67,00,000/- to his schoolmate one P.Karthik on the promise of giving high returns. However, after receiving the money, he did not pay any amount including the money given by the petitioner. He gave a complaint on 19.11.2022. Since no action was taken, this petition is filed.

3.The learned Government Advocate (Crl.Side) submitted that on the basis of the complaint given by the petitioner, petitioner enquiry is pending in C.No.461 of 2022.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondents.

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



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intervene only in extraordinary circumstances and rare cases. However, taking note of the fact that the complaint is 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.

sli

30.01.2023

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To:

1. The Superintendent of Police,
Thiruvallur, Thiruvallur District.

2. Inspector of Police,
District Crime Branch,
Thiruvallur District.

3. The Public Prosecutor,
High Court of Madras.

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G.CHANDRASEKHARAN, J.
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