



Crl.O.P.No.1865 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1865 of 2023

N.Muraliraj

... Petitioner

Vs.

1. The Superintendent of Police,
Coimbatore District,
Coimbatore – 641 018.

2. The Inspector of Police,
District Crime Branch,
Coimbatore – 641 018.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent to register First Information Report on the basis of the petitioner's complaint dated 19.12.2022 given to the respondents, pending on the file of the respondents.

For Petitioner : Mr.J.Kingsly Solomon

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



Crl.O.P.No.1865 of 2023

ORDER

This Criminal Original Petition has been filed to direct the second respondent to register the First Information Report on the basis of the petitioner's complaint dated 19.12.2022.

2. Learned counsel appearing for the petitioner submitted that one Jaisaravana Balaji, college friend of the petitioner gave an idea of start up for carton box manufacturing and selling business. He further submitted that the petitioner mortgaged his house and invested a sum of Rs.50,00,000/-. The business suffered loss and the petitioner is paying the bank loan. In October 2022, the said Jaisaravana Balaji introduced one Rasal. The said Rasal mooted the idea of online share trading business and they have transacted several lakhs money through the account of the petitioner. He also submitted that the petitioner apprehends that they are doing illegal business using the petitioner's account. Therefore, the petitioner gave a complaint to the respondent against the said Jaisaravana Balaji and Rasal on 19.12.2022 and since no action has been taken, the present petition has been filed.

3. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that, after receipt of complaint dated 19.12.2022 from the petitioner, the second respondent police have conducted enquiry in



Crl.O.P.No.1865 of 2023

C.No.P3/7383/3293/22 and it is pending for further investigation.

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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 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.

G.CHANDRASEKHARAN,J.



Crl.O.P.No.1865 of 2023

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

31.01.2023

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Index: Yes/No

Speaking/Non speaking order

Neutral Citation Case: Yes/No

To

1. The Superintendent of Police,
Coimbatore District.
Coimbatore – 641 018.
2. The Inspector of Police,
District Crime Branch,
Coimbatore – 641 018.
3. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.1865 of 2023