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CrI.O.P.No.1665 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.1665 of 2023

N.Subramaniyan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
District Crime Branch,
Tiruvarur.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police to register the FIR on the complaint given by the petitioner dated 12.07.2021 and investigate the same in accordance with law.

For Petitioner : Mr.M.Vijayaragavan

For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent police to register the FIR on the complaint given by the petitioner dated 12.07.2021 and investigate the same in accordance with law.



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2.The learned counsel for the petitioner submitted that one Anantharaj, S/o.Rajenthiran had taken lease on the petitioner's tractor bearing Registration No.TN 50 AT 3119. He paid only a sum of Rs.45,000/- towards lease amount. Thereafter, he has not paid the lease amount or returned the tractor. In this regard, the petitioner has given a complaint on 12.07.2021. Till now, the respondent police has not registered the complaint. Therefore, the petitioner has filed the present petition.

3.In response, the learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the complaint received from the petitioner is now transferred to Tiruthuraipoondi Police Station on the basis of territorial jurisdiction on 31.08.2022.

4.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal 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



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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, Thiruthuraipoondi Police Station 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

Internet:Yes/No

Speaking order / Non-speaking order

Neutral Citation Case :Yes / No

sp



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To
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- 1.The Inspector of Police,
District Crime Branch,
Tiruvavarur.
- 2.The Inspector of Police,
Thiruthuraipoondi Police Station,
Tiruvavarur District.
- 3.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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