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Crl.O.P.No.1867 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1867 of 2023

K.Al-Ahmin

... Petitioner

Vs.

1. The Sub - Inspector of Police,
Urulayanpettai Police Station,
Pondicherry.
2. The Superintendent of Police,
South Sub-Division Superintendent Office,
Pondicherry.
3. S.Malathy
4. Selvamuthu

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first respondent to register First Information Report as per the petitioner's complaint dated 09.12.2022 given to the respondents, pending on the file of the respondents.

For Petitioner	: Mr.D.S.Ramesh
For R1 & R2	: Mr.K.S.Mohan Doss, Public Prosecutor, Puducherry



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ORDER

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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 09.12.2022.

2. Learned counsel appearing for the petitioner submitted that petitioner's wife one Bharathi already married one Veerapandi and divorced him and through her first marriage, she has got two sons namely Simon and Bison. They were entrusted to the third and fourth respondents for upbringing and for the said purpose, a sum of Rs.11,00,000/- was given to them. He further submitted that instead of using the money for the maintenance of children, the respondents 3 & 4 have purchased the property in favour of the fourth respondent. When the petitioner demanded the money, they refused to return the money, therefore, the petitioner gave a complaint to the respondent Police against the respondent 3 & 4 on 09.12.2022 and since no action has been taken, the present petition has been filed.

3. Learned Public Prosecutor, Puducherry appearing for the respondent Police submitted that, after receipt of complaint dated 09.12.2022 from the petitioner, the first respondent police have conducted enquiry and it is



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pending for further investigation.

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4. Heard the learned counsel for the petitioner and the learned Public Prosecutor, Puducherry for the respondent 1 & 2.

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.



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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,
South Sub-Division Superintendent Office,
Pondicherry.
2. The Sub - Inspector of Police,
Urulayanpettai Police Station,
Pondicherry.
3. The Public Prosecutor,
High Court of Madras.

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