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Crl.OP.No.1821 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1821 of 2023

R.Natarajan

... Petitioner

Vs.

1. The Deputy Superintendent of Police
(Land Grabbing Cell)
Namakkal District.

2. The Inspector of Police
Land Grabbing Cell
Namakkal District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents herein to register a case based on the complaint dated 15.04.2022 given by the petitioner and investigate the matter in accordance with law.

For Petitioner

: Mr.T.Balachandran

For Respondents

: Mr.S.Santhosh

Government Advocate(Crl.side)



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ORDER

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This Criminal Original Petition has been filed to direct the respondents herein to register a case based on the complaint dated 15.04.2022 given by the petitioner and investigate the matter in accordance with law.

2. The learned counsel for the petitioner submitted that petitioner's father Gopal has two wives and the petitioner was born to the first wife. The accused in the complaint dated 15.04.2022 are the second wife of his father and their children. They obtained legal heir certificate suppressing the existence of the petitioner. They impersonated the petitioner and executed partition deed in Doc.No.1809 of 2014 on the file of the SRO, Puthuchathiram, Namakkal. They also created another document on 11.01.2022 in Doc.No.73 of 2022 and attempted to disturb the petitioner's possession in the property. For which, petitioner lodged a complaint before the respondent police on 15.04.2022. Since no action was taken, present petition is filed.

3. The learned Government Advocate (Crl.Side) appearing for the



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respondent submitted that, on receipt of complaint dated 28.12.2022 from the petitioner, second respondent police is conducting enquiry in C.No.20/H3/CM Cel/ALGSC/NKL/2022 and it is pending.

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 now 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



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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.

30.01.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

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To

1. The Deputy Superintendent of Police
(Land Grabbing Cell)
Namakkal District.
2. The Inspector of Police
Land Grabbing Cell
Namakkal District.
3. The Public Prosecutor,
High Court of Madras, Chennai.

G.CHANDRASEKHARAN,J.



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30.01.2023