



Crl.O.P.No.1880 of 2023

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.1880 of 2023

Vidhyasagar

... Petitioner

Vs.

State represented by,
The Inspector of Police (Crime),
T-6 Peerankaranai Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent Police to register a case based of the petitioner's complaint dated 14.01.2023 in a stipulated time.

For Petitioner : Mr.P.Prince Premkumar

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

ORDER

This Criminal Original Petition has been filed to direct the respondent to register the First Information Report on the basis of the petitioner's complaint dated 14.01.2023.



Crl.O.P.No.1880 of 2023

2. Learned counsel appearing for the petitioner submitted that the petitioner has gave a sum of Rs,14,50,000/- to one Jagajothi and his wife Thavamani for purchase of house near Pammal. The said Jagajothi and Thavamani neither procured the house nor repaid the amount. Therefore, the petitioner gave a complaint to the respondent against them on 14.01.2023 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 14.01.2023 from the petitioner, the respondent police has conducted enquiry in C.S.R.No.84 of 2023 and it is pending for further investigation.

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



Crl.O.P.No.1880 of 2023

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.

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



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Crl.O.P.No.1880 of 2023

G.CHANDRASEKHARAN,J.

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To

1. The Inspector of Police (Crime),
T-6 Peerkankaranai Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.1880 of 2023

31.01.2023