



CrI.O.P.No.29481 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 11.01.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**CrI.O.P.No.29481 of 2022**

K.Gowri

... Petitioner

**Vs.**

1.The Greater Chennai Commissioner of Police,  
Greater Chennai Police Commissioner Office,  
EVK Sampath Road, Vepery,  
Chennai – 600 007.

2.The Inspector of Police,  
Vadapalani Police Station,  
Chennai – 600 026.

... Respondents

**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C., to pass an order of direction, direct the 2<sup>nd</sup> respondent to register and investigate the complaint on the file of the petitioner's complaint dated 14.11.2022 in accordance with law to secure the ends of justice.

For Petitioner : Mr.A.Hari

For Respondents : Mr.S.Santhosh,  
Government Advocate (crl.side)



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**ORDER**

This Criminal Original Petition has been filed to direct the 2<sup>nd</sup> respondent to register and investigate the petitioner's complaint dated 14.11.2022 in accordance with law.

2. The learned counsel appearing for the petitioner submitted that the accused S.Y.Eswaran and his wife Hemalatha Eswaran had prevented the use of a common pathway by the petitioner. Despite giving complaint, no action was taken by the respondents. Therefore this petition.

3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that on the basis of the complaint given by the petitioner, enquiry was conducted earlier and that was closed on 30.05.2022. Subsequently, petitioner gave another complaint and on the basis of that complaint, enquiry in C.S.R.No.18 of 2023 was conducted and it is pending for further investigation.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondents.

5. The Division Bench of this Court in ***G.Prabhakaran v. The***



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***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.

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

**11.01.2023**

sli

Index: Yes/No

Internet: Yes/No

**G.CHANDRASEKHARAN,J.**



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sli

To

- 1.The Greater Chennai Commissioner of Police,  
Greater Chennai Police Commissioner Office,  
EVK Sampath Road, Vepery,  
Chennai – 600 007.
- 2.The Inspector of Police,  
Vadapalani Police Station,  
Chennai – 600 026.
3. The Public Prosecutor,  
High Court of Madras.

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