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CrI.O.P.No.30160 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.30160 of 2022

Latif Estate Line India Limited,
Represented by its Authorized Signatory-Manager,
Usman Sheriff,
S/o.Mr.Ismail Sheriff,
“Latif Centre”, No.16,
Millers Road, Kilpauk,
Chennai – 600 010.

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Kilpauk Police Station, Kilpauk,
Chennai – 600 010.

2.The Assistant Commissioner of Police,
Kilpauk Police Station, Kilpauk,
Chennai – 600 010.

3.The Inspector of Police,
G-3, Kilpauk Police Station,
Kilpauk, Chennai – 600 010.

... Respondents



Crl.O.P.No.30160 of 2022

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the third respondent to register a case on petitioner's complaint dated 28.09.2022 and to investigate the same in accordance with law.

For Petitioner : M/s.RRN Legal

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

ORDER

This Criminal Original Petition has been filed for directing the third respondent to register a case on petitioner's complaint dated 28.09.2022 and to investigate the same in accordance with law.

2. The learned counsel for the petitioner submitted that petitioner's company is involved in real estate business. One Jeyarani Ezhil Rajan purchased vacant land bearing Plot No.59/60/61 totally measuring an extent of 2531 sq.feet in Survey No.94/2A in Surapattu Village by Sale Deed dated 14.08.2002. The possession of the said property was also handed over to her. In 2015, she



CrI.O.P.No.30160 of 2022

approached the company, stating that there was a typographical error in the Sale

Deed. On her request, a Rectification Deed dated 31.12.2014 was executed.

After 20 years, one Padmini Kumar claiming to be the sister of Jeyarani Ezhil Rajan approached the petitioner's company, stating that, she is facing difficulties in obtaining patta and other revenue records from the revenue department in favour of her sister Jeyarani Ezhil Rajan. The petitioner's company extended their help. However, said Padmini Kumar, with unsocial henchmen came to the petitioner's office and threatened the staff using abusive words and made criminal intimidation. So far, respondent police has not taken any action against the accused. Therefore, this petition is filed.

3. The learned Government Advocate (Criminal side) submitted that, on the basis of the complaint given by the petitioner, enquiry is pending in C.S.R.No.928 of 2022.

4. Heard the learned counsel for the both sides. Perused the records filed in support of this petition.



Crl.O.P.No.30160 of 2022

WEB COPY

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 pending, 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 third 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.



Crl.O.P.No.30160 of 2022

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

WEB COPY

31.01.2023

Internet : Yes / No

Index : Yes / No

Speaking/Non speaking order

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To

- 1.The Deputy Commissioner of Police,
Kilpauk Police Station, Kilpauk,
Chennai – 600 010.
- 2.The Assistant Commissioner of Police,
Kilpauk Police Station, Kilpauk,
Chennai – 600 010.
- 3.The Inspector of Police,
G-3, Kilpauk Police Station,
Kilpauk, Chennai – 600 010.
4. The Public Prosecutor,
Madras High Court.

5/6



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CrI.O.P.No.30160 of 2022

G.CHANDRASEKHARAN,J.

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CrI.O.P.No.30160 of 2022

31.01.2023