



W.P.No.34852 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No. 34852 of 2022

A.Arasu

... Petitioner

Vs.

1. The Director General of Police,
Tamil Nadu,
Office of the Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2. The Superintendent of Police,
Chengalpattu District,
Chengalpattu Town - 603 001.

3. The Inspector of Police,
Kalpakkam Police Station,
Thirukalukundram Taluk,
Chengalpattu District.

4. Elango

5. Venkatesan

6. Danasekaran

7. Selvi

8. Danabagyam

9. Kalai

10. Amudha

...Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to pass an order of Interim Direction, directing the 2nd Respondent to consider the petitioner's representation dated 28.11.2022 to enquire about the personal involvement of the 4 and 5 Respondents for using their official influence against the petitioner about the disposed counter complaint in C.S.R.No.64 of 2022 dated 17.05.2022 on the file of the All Women Police Station, Mahabalipuram and also directing to made enquiry for the petitioner's online complaint dated 31.03.2022 in Reference No.RTA 22055095, CCTNS - Citizens Portal, Tamil Nadu Police.

For Petitioner : Mr.R.Anbalagan
For R1 to R3 : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to direct the 2nd Respondent to consider the petitioner's representation dated 28.11.2022 to enquire about the personal involvement of the 4 and 5 Respondents for using their official influence against the petitioner about the disposed counter complaint in C.S.R.No.64 of 2022 dated 17.05.2022 on the file of the All Women Police Station, Mahabalipuram and also directing to made enquiry for the petitioner's online complaint dated 31.03.2022 in Reference No.RTA 22055095, CCTNS - Citizens Portal, Tamil Nadu Police.



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2. The learned counsel for the petitioner submitted that there was matrimonial dispute between the petitioner and his third wife by name Jothi. Based on which, the petitioner lodged a complaint against her wife and others through online on 31.03.2022, for which, acknowledgment was received from the respondent police in Reference No. RTA 22055095, CCTNS - Citizens Portal. However, no First Information Report was registered in this regard. Therefore, he represented the complaint to the Superintendent of Police, Cuddalore District on 23.11.2022. Even thereafter, no action was taken. He further apprehends that the respondents 4 & 5, who are relatives of the petitioner's wife are influencing the 3rd respondent police. Therefore, the present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that on the basis of the complaint given by the petitioner, enquiry is pending in Current Paper No.646 of 2022. On the basis of the complaint given to the All Women Police Station, Mahabalipuram by the petitioner's wife, enquiry was conducted in C.S.R.No.64 of 2022 and the same was closed, since it was a matrimonial dispute. Again, on the basis of the complaint given by the petitioner's wife before the Superintendent of Police, Cuddalore District,



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enquiry is pending in C.S.R.No.01 of 2023.

4. 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 pending and not been 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 today.

5. With the above directions, this Writ Petition is disposed of.

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Index :Yes/No

Internet:Yes/No



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Chengalpattu Town - 603 001.
3. The Inspector of Police,
Kalpakkam Police Station,
Thirukalukundram Taluk,
Chengalpattu District.
4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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