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W.P.No.35174 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM :

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.35174 of 2022

Abinaya

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Petitioner

VS

1. Additional Director General of Police
O/o Additional Director General of Police
North Zone, Aalandur
Chennai – 16.

2. Director General of Police
O/o Director General of Police
Villupuram Zone
Villupuram District.

3. Superintendent of Police
Cuddalore District
Cuddalore.

4. Ayyanar

5. Paranthaman

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Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take an appropriate action against the fourth and fifth respondent by considering the representation of the petitioner dated 10.12.2022 in accordance with law.



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For Petitioner : Mr.M.Velmurugan
For Respondents : Mr.S.Santhosh (for R1 to R3)
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 to take an appropriate action against the fourth and fifth respondent by considering the representation of the petitioner dated 10.12.2022 in accordance with law.

2.The learned counsel for the petitioner submitted that based on the false complaint given by one Arun Kumar, a case in Crime No.982 of 2022 for the offences under Section 294 (b), 448, 457, 380, 352 & 506 (1) I.P.C was registered against the petitioner and her husband. It is a false case. Therefore, she gave complaint against Shanmugam, Arunkumar, Sub-Inspector of Police and Special Sub-Inspector of Police for false implication. However, no action was taken on the basis of the complaint dated 10.12.2022. Therefore, this petition.

3.The learned Government Advocate (Criminal side) submitted that on the basis of the complaint given by Arun Kumar, a case as said above was registered.

This case was registered for the reason that petitioner had illegally trespassed into



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the property of Arun Kumar, in which Arun Kumar was inducted as a lessee by the father of the petitioner.

4.He further submitted that on the basis of the complaint dated 10.12.2022, current paper enquiry is pending in No.H4/E-3709249/22.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondents.

6.The Division Bench of this Court in ***G.Prabhakaran v. The Superintendent of Police, Thanjavur***, reported in ***(2018) 2 LW CrI 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.

7.In view of the fact that enquiry is pending, it is directed that if any cognizable offence is made out, the respondent police is bound to register the FIR



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otherwise they may close the complaint. Such exercise shall be completed within a

period of three weeks from the date of receipt of copy of this order

8. With the above directions, Writ Petition is disposed of. No costs.

04.01.2023

Index: Yes/No

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To

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G.CHANDRASEKHARAN, J.

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