



W.P.No.34875 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No. 34875 of 2022

A.Shabeer

... Petitioner

Vs.

1. The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai - 600 004.
2. The Inspector General of Police,
(North Zone), Alandur,
Chennai - 600 016.
3. The Deputy Inspector General of Police,
Vellore Division,
Vellore.
4. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
5. Sudhakar
6. Subramani
7. Elayaraja
8. Anbarasu
9. Ahmed Basha
10. Johnma Bee



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11. Jawahar Ali

12. Jaber

13. Shamsudeen

14. Sajetha

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to pass an order of Interim Direction, directing the 1st respondent to issue necessary direction to the 4th respondent to take appropriate legal action as against the respondents No. 5th to 15th based on the petitioner's representation dated 26.11.2022 made to the Respondents Nos.1 to 4.

For Petitioner : Mr.M.Prabakar

For R1 to R4 : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to direct the 1st respondent to issue necessary direction to the 4th respondent to take appropriate legal action as against the respondents No. 5 to 15 based on the petitioner's representation dated 26.11.2022 made to the Respondents Nos.1 to 4.

2. The learned counsel for the petitioner submitted that the petitioner is residing in the property of his father. The respondents 9 to 14, who are petitioner's father, mother, brother and relatives are trying to evict the



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petitioner from the occupation of the building situated in Door No.115/63A, Anna Nagar, 7th Street, Thiruvannamalai Town. In this regard, the petitioner gave a complaint on 14.09.2022 and on 26.11.2022. Despite these complaints, the respondent police has not taken any steps to register the FIR. Therefore, the present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that sweeping allegations were made in the complaint dated 26.11.2022 stating that the petitioner's son Juber was poisoned by the accused persons. However, this allegation is not stated in the complaint dated 14.09.2022. The allegation that the accused persons had poisoned his son come to the petitioner's notice on 18.08.2022, it should have been mentioned in the complaint dated 14.09.2022. He further submitted that based on the complaint given by the petitioner on 14.09.2022, enquiry in CSR No.428 of 2022 was conducted and the same was closed for the reason that the petitioner has not co-operate with the enquiry. Subsequently, the representation dated 26.11.2022 is available with the 4th respondent and it is pending for enquiry.



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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 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.



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

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Index : Yes/No

Internet: Yes/No

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To

1. The Director General of Police,
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Chennai - 600 004.
2. The Inspector General of Police,
(North Zone), Alandur,
Chennai - 600 016.
3. The Deputy Inspector General of Police,
Vellore Division,
Vellore.
4. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
5. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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