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CrI.O.P.No.32338 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.32338 of 2022

P.Vijayakumar

... Petitioner

Vs.

1.The State Rep. by
The Commissioner of Police,
Avadi, Chennai.

2.The State Rep. by
The Inspector of Police (crime)
Thiruverkadu Police Station,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondent to register the case in FIR based on the petitioner's
complaint dated 05.07.2022.

For Petitioner : Mr.V.Venakatesan

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



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ORDER

This Criminal Original Petition has been filed to direct the respondent to register the case in FIR based on the petitioner's complaint dated 05.07.2022.

2. The learned counsel appearing for the petitioner submitted that the petitioner had entered into an agreement with one Bosco Arulraj for the supply country hen eggs. The petitioner paid a sum of Rs.10,00,000/- to the Bosco Arulraj. After the receipt of the money, the said Bocso Arulraj neither supplied eggs nor returned the money. Therefore, the petitioner gave a complaint before the second respondent police. However, no effective steps have been taken. Hence, this petition has been filed.

3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that, after receipt of complaint dated 05.07.2022 from the petitioner, the second respondent police had conducted enquiry in C.No.1010/COP-Visitors/Camp/2022 and it has been transfered to T5 Thiruverkadu Police Station.

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 now 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, Investigating officer 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.

03.01.2023

shk



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G.CHANDRASEKHARAN,J.

shk

To

- 1.The Commissioner of Police,
Avadi, Chennai.
- 2.The Inspector of Police (crime)
Thiruverkadu Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police,
T5, Thiruverkadu Police Station,
Chennai.

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