



Crl.O.P.No.32645 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.32645 of 2022

K.Vadivel
Petitioner

...

Vs.

1.The State Rep by,
The Deputy Commissioner of Police,
Annanagar District.

2. The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent police to register FIR on the basis of the complaint dated 17.12.2022 given by the petitioner.

For Petitioner : Mr.J.N.Naresh Kumar

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



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ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent police to register FIR on the basis of the complaint dated 17.12.2022 given by the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner is tenant under one Gengan in respect of the shop comprised in Survery No.31, New West Street, Avvai Nagar, Choolaimedu from the year 2017. The owner of the property attempted to evict the petitioner forcibly from the premises. Therefore, complaint was given by the petitioner against the said Gengan on 19.12.2022. In this regard, enquiry was conducted in CSR No. 482 of 2022. For which, Gengan appeared for enquiry and also stated that he will not evict the petitioner forcibly. The petitioner had filed a suit in O.S.No.1918 of 2022 on the file of the 23rd City Civil Court, Chennai for the relief of not to evict him unless by due process of law. The said suit is pending. Pending suit, Gengan attempted to evict the petitioner from the premises with the help of rowdy elements and also broke open the door and damaged the house hold properties and also made death threat. In this regard, petitioner had lodged given a complaint on 17.12.2022. But till now, no action was taken on his complaint. Again on 21.12.2022, with the help of rowdy elements, owner Gengan



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attempted to forcibly evict the petitioner from the premises. Hence, the present petition is filed.

2. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, on receipt of complaint dated 17.12.2022 from the petitioner, the second respondent police have conducted enquiry in C.S.R No.932 of 2022 and it is pending for further investigation.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the respondent.

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 being enquired, the Investigation officer is



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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 the date of receipt of a copy of this order.

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

04.01.2023

Internet: Yes/No
sma



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WEB COPY

- To
- 1.The State Rep by,
The Deputy Commissioner of Police,
Annanagar District.
 2. The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
 3. The Public Prosecutor,
High Court of Madras.



WEB COPY



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G.CHANDRASEKHARAN,J.

Sma

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