



Crl.O.P.No.32305 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.32305 of 2022

N.Vijayakumar

... Petitioner

Vs.

1.The Superintendent of Police,
Salem District,
Office at Nethimedu,
Salem, Salem District.

2.The Inspector of Police,
Valapadi Police Station,
Attur Main Road, Valapady,
Salem District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the second respondent to register and investigate the complaint of the
petitioner dated 05.09.2022 on the file of the second respondent.

For Petitioner : Mr.R.Sankarasubbu

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



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ORDER

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This Criminal Original Petition has been filed to direct the second respondent to register the case based on the petitioner's complaint dated 05.09.2022.

2. The learned counsel appearing for the petitioner submitted that the accused one Sulaiman and his henchmen had trespassed into the petitioner's land and with help of JCB, had cut the Teak Wood trees and damaged the standing crops in the land. In this regard, the petitioner gave a complaint before the second respondent, however, no action has been taken. Hence, the present petition has been filed.

3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that the complaint of the petitioner dated 05.09.2022 is not available with the respondents. If fresh complaint is given, the respondents police will take action in accordance with law.

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

5. Since the complaint of the petitioner dated 05.09.2022 is not



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available with the respondents, the petitioner is directed to give a fresh complaint before the respondents. On such complaint, the respondents are directed to follow the due process of law.

6. 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. If the enquiry is pending, 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 the date of receipt of a copy of this order.



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G.CHANDRASEKHARAN,J.

shk

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

03.01.2023

shk

To

- 1.The Superintendent of Police,
Salem District,
Office at Nethimedu,
Salem, Salem District.
- 2.The Inspector of Police,
Valapadi Police Station,
Attur Main Road, Valapady,
Salem District.
3. The Public Prosecutor,
High Court of Madras.

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