



Crl.O.P.No.32619 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.32619 of 2022

Vimal Kumar
Petitioner

...

Vs.

State represented by,
The Inspector of Police,
All Women Police Station,
Thirumangalam, Chennai

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register the FIR on the complaint given by the petitioner dated 15.11.2022 and investigate the same in accordance with law.

For Petitioner : Mr.S.Srinivasan

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

ORDER

This Criminal Original Petition has been filed to direct the respondent to register the FIR on the complaint given by the petitioner dated 15.11.2022 and investigate the same in accordance with law.



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2. The learned counsel for the petitioner submitted that the petitioner is the owner of the residential building situated in Door No.452, 11th Block, Mogappair East, Chennai - 600 037 and one Aruna Lakshmi is a tenant in this property. However, she has not paid the rent and there is a due for six months totaling about Rs.78,000/-. When the petitioner demanded the dues, she in turn demanded Rs. 2 lakhs for vacating the premises. Therefore, a complaint was lodged before the respondent police. However, no action was taken. Therefore, present petition is filed.

3. In response, the learned Government Advocate (Crl.Side) appearing for the respondent submitted that, on the basis of the complaint given by the petitioner, enquiry is pending in C.S.R.No.581 of 2022.

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

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



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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, 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.

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

04.01.2023

Internet: Yes/No
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G.CHANDRASEKHARAN,J.

Sma

To

- 1.The Inspector of Police,
All Women Police Station,
Thirumangalam, Chennai
2. The Public Prosecutor,
High Court of Madras.

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