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CrI.O.P.No.32644 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.32644 of 2022

Vijaya

... Petitioner

Vs.

1. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.

2. The Inspector of Police,
C-3, Pochampalli Police Station,
Krishnagiri District

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to register the case based on the petitioner's complaint dated 30.09.2022.

For Petitioner : Mr.K.Thiruvengadam

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

ORDER

This Criminal Original Petition has been filed to direct the respondents to register the case based on the petitioner's complaint dated 30.09.2022.



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2. The learned counsel for the petitioner submitted that the petitioner is the owner of the building situated in Survey No.54/15 of Vadamalampatti village, Pochampalli Taluk, Krishnagiri District. On 26.05.2022 at about 11.00.a.m., one Ranganathan and his son Sathishkumar had unloaded sand in petitioner's land. Therefore, petitioner gave a compliant before the respondent police against the Ranganathan and Sathishkumar, for which, the respondent police registered the First Information Report in Crime No.160 of 2022 for the offence under Sections 294(b), 323 and 324 of IPC. Aggrieved against the registration of FIR, on 28.09.2022, the Ranganathan and Sathishkumar along with 20 others had taken two CCTV cameras, one headlight and two two-wheelers bearing Reg.No.TN241864 and TN245218. In this regard, a complaint dated 30.09.2022 was given. But, till now, no FIR was registered. Therefore, the present petition is filed.

3. In reply, 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 Current Paper.No.391 of 2022.



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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 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.



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

04.01.2023

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G.CHANDRASEKHARAN,J.

Sma

To

1. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
2. The Inspector of Police,
C-3, Pochampalli Police Station,
Krishnagiri District
3. The Public Prosecutor,
High Court of Madras.

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