



Crl.O.P.No.32613 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.32613 of 2022

M.Rajapandian
Petitioner

...

Vs.

1.The Commissioner of Police,
Greater Chennai,
Chennai City,
Vepery, Chennai.

2. State rep by,
Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register the petitioner's complaint in CSR No.427 of 2022 dated 19.09.2022 on the file of the respondent police station.

For Petitioner : Mr. Dhinesh Kumar

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 respondent to register the petitioner's complaint in CSR No.427 of 2022 dated 19.09.2022 on the file of the respondent police station.

2. The learned counsel for the petitioner submitted that the petitioner is a film maker. The accused had stolen hard disks from the petitioner and sold it to some other persons. Therefore, the petitioner lodged a complaint before the 2nd respondent on 14.09.2022. Since, no action was taken on the said complaint. This petition is filed.

3. In response, the learned Government Advocate (Crl.Side) appearing for the respondent submitted that, on receipt of complaint dated 14.09.2022 from the petitioner, the second respondent police have conducted enquiry in C.S.R No.427 of 2022 and it is pending for further investigation.

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



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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 second 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 Commissioner of Police,
Greater Chennai,
Chennai City,
Vepery, Chennai.
2. State rep by,
Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai.
3. The Public Prosecutor,
High Court of Madras.

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04.01.2023