



Crl.O.P.No.32597 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.32597 of 2022

V.Natesan

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Avadi Commissioner of Police,
Avadi,
Chennai.

2.The Inspector of Police,
Poondhamalle Police Station (Crime)
Poondhamalle,
Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the second respondent police to register the complaint of the petitioner
dated 24.08.2022 as per CSR No.1290 of 2022.

For Petitioner : Mr.S.Srinivasan

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



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ORDER

This Criminal Original Petition has been filed to direct the second respondent police to register the complaint of the petitioner dated 24.08.2022.

2. The learned counsel appearing for the petitioner submitted that the petitioner's mother settled the property in favour of the petitioner through settlement deed dated 24.12.2018. Thereafter, the petitioner executed power of attorney in favour of one Prasanth on 11.01.2019 for developing the property. Without the knowledge of the petitioner, the said prasanth paid a sum of Rs.46,00,000/- to one Manoharan by misusing the power of attorney. Subsequently, the said Prasanth demanded a sum of Rs.46,00,000/- from the petitioner. When the same was questioned by the petitioner, the said Prasanth threatened the petitioner that he will sell the property. Therefore, the petitioner gave a complaint before the second respondent police. However, no effective steps have been taken. Hence, this petition has been filed.

3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that, after receipt of complaint dated 24.08.2022 from the petitioner, the second respondent police had conducted enquiry in CSR No.1290 of 2022 and it is pending.



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4. Heard the learned counsel for the petitioner and the learned

Government Advocate (crl.side) for the respondents.

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.



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

03.01.2023

Internet:Yes/No

Index:Yes/No

Speaking/Non speaking order
shk



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To
WEB COPY

- 1.The Commissioner of Police,
Office of the Avadi Commissioner of Police,
Avadi,
Chennai.
- 2.The Inspector of Police,
Poondhamalle Police Station (Crime)
Poondhamalle,
Chennai.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.
shk

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