



CrI.O.P.No.32622 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.32622 of 2022

B.Ramalingam

... Petitioner

Vs.

1. The Superintendent of Police,
Thiruvannamalai District (DPO),
Thiruvannamalai.

2. State Rep by,
The Inspector of Police,
Chethupattu Police & Taluk,
Thiruvannamalai District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to direct the respondents to take action on the petitioner's complaint dated
20.11.2022.

For Petitioner : Mr.A.E.Kalaiselvan

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



Crl.O.P.No.32622 of 2022

WEB COPY

ORDER

This Criminal Original Petition has been filed to direct the respondents to take action on the petitioner's complaint dated 20.11.2022.

2. The learned counsel for the petitioner submitted that the petitioner's father Balakrishnan was killed in a suspicious manner in the year 2016. Even thereafter Elumalai and his wife and sons were harassing the petitioner and his mother and other family members. When things stood like this, on 13.11.2022, petitioner's mother Kannayee Ammal went to her land and thereafter she had not returned. On the next day ie on 14.11.2022, it was came to light that the petitioner's mother Kannayee Ammal was killed by Elumalai and his sons and they had thrown the body into the well. This fact of the death of the petitioner's mother was informed to the petitioner at about 10.00.a.m on 14.11.2022. Thereafter, petitioner and his sister came to the village and attempted to take the body of their mother and they found injuries and swelling in the face of their mother. Accused prevented the petitioner and his siblings from taking the body and also made arrangements for burning the body. The petitioner wanted the body to be burried. However, without heeding to the request of the petitioner, Elumalai and his sons and his sister-in-law had burnt



Crl.O.P.No.32622 of 2022

the body. There is a suspicion in the death of the petitioner's mother Kannayee Ammal. Petitioner apprehends that Elumalai and his son along with others are responsible for the death of the petitioner's mother. Despite giving the complaints on 20.11.2022 and 25.11.2022, respondent police had not taken any steps in registering the FIR. Therefore, 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 dated 20.11.2022 given by the petitioner, enquiry is pending in C.S.R.No.934 of 2022. He further submit that enquiry will be expedited and disposal of the complaint will be done in the manner known to law.

4. Considered the rival submissions. This Court on going through the complaint dated 20.11.2022 and 25.11.2022 and the submissions of the learned counsels on both the sides, finds that there are specific allegations made against the Elumalai and his sons and her sister-in-law, suspecting that they are responsible for the petitioner's mother. Therefore, **this Court directs the respondent police to conduct proper and appropriate enquiry.**



Crl.O.P.No.32622 of 2022

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.

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

04.01.2023

Internet: Yes/No
sma



CrI.O.P.No.32622 of 2022

WEB COPY

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



WEB COPY



Crl.O.P.No.32622 of 2022

G.CHANDRASEKHARAN,J.

Sma

Crl.O.P.No.32622 of 2022

04.01.2023