



WEB COPY



CrI.O.P.No.32615 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.32615 of 2022

E. Pugazendhi
Petitioner

...

Vs.

State represented by,
The Inspector of Police,
Tiruvallur Taluk Police Station,
Tiruvallur District

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police to register the case based on complaint given by the petitioner in C.S.R.No.1709 of 2022 dated 09.12.2022.

For Petitioner : Mr.C.Arivazhagan

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

ORDER

This Criminal Original Petition has been filed to direct the respondent register the case based on complaint given by the petitioner in C.S.R.No.1709 of 2022 dated 09.12.2022.



Crl.O.P.No.32615 of 2022

2. The learned counsel for the petitioner submitted that the petitioner is running man power agency in the name and style of M/s. Jancy Enterprises from the year 2009 onwards. There is a dispute with one M/s. Mainda Sai Company with regard to payment of dues to the petitioner. The petitioner was negotiating with the said company. Meanwhile, another man power agency by name M/s. Classic Contract intervened and there arose a wordy quarrel and fight.

3. In response, the learned Government Advocate (Crl.Side) appearing for the respondent submitted that, In this regard, on the basis of the complaint on the other side, First Information Report was registered on the basis of the complaint given by the petitioner, enquiry is pending in C.S.R.No.1709 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



Crl.O.P.No.32615 of 2022

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



WEB COPY



CrI.O.P.No.32615 of 2022

G.CHANDRASEKHARAN,J.

Sma

To

- 1.The Inspector of Police,
Tiruvallur Taluk Police Station,
Tiruvallur District
2. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.32615 of 2022

04.01.2023