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Crl.O.P.No.32595 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.32595 of 2022

1.N.Mallugamma
2.N.Gurkkarappa
3.N.Sekar

... Petitioners

Vs.

1.The Superintendent of Police,
Erode District, Tirupur.

2.The Deputy Superintendent of Police,
Sathyamangalam Range,
Sathyamangalam, Erode District.

3.The Inspector of Police,
Thalavadi Police Station,
Thalavadi, Erode District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to register a case based on the complaints of the petitioner dated 19.12.2022 and investigate with the case and file the final report before the appropriate Court.

For Petitioners : Mr.V.Logeswaren

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 respondents to register a case based on the complaint of the petitioner dated 19.12.2022 and investigate with the case and file the final report.

2. The learned counsel appearing for the petitioner submitted that the petitioners are the absolute owners of the agricultural property in Survey No.44/1, Hecter 1.62.50, vide Patta No.178 in Konhanahalli Village, Thalavadi Taluk, Erode District. The land belongs to them are joint family property. The first petitioner is now prevented by her sisters Madhamma and Shivamma from enjoying the property. Therefore, the petitioners gave a complaint before the third respondent. However, no action has been taken. Hence, the present petition has been filed.

3. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that, after receipt of complaint dated 19.12.2022 from the petitioner, the third respondent police had conducted enquiry in CSR No.1 of 2023 and it is pending.

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



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Government Advocate (crl.side) for the respondents.

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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.



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G.CHANDRASEKHARAN,J.

shk

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

To

- 1.The Superintendent of Police,
Erode District, Tirupur.
- 2.The Deputy Superintendent of Police,
Sathyamangalam Range,
Sathyamangalam, Erode District.
- 3.The Inspector of Police,
Thalavadi Police Station,
Thalavadi, Erode District.
4. The Public Prosecutor,
High Court of Madras.

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