



WEB COPY



Crl.OP.No.32669 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.32669 of 2022**

Ramar

... Petitioner

Vs.

1. The Superintendent of Police,  
Cuddalore,  
Cuddalore District.

2. The Deputy Superintendent of Police,  
Tittagudi,  
Cuddalore District.

3. The Station House Office,  
Avingudi Police Station,  
Cuddalore District.

... Respondents

**PRAYER:** This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register the petitioner's complaint dated on 23.12.2022 and investigate the matter in accordance with law.

For Petitioner

: Mr.K.Karuppaiyamooppanar

For Respondents

: Mr.S.Santhosh

Government Advocate(Crl.side)



Crl.OP.No.32669 of 2022

### **ORDER**

WEB COPY

This Criminal Original Petition has been filed to register the petitioner's complaint dated on 23.12.2022 and investigate the matter in accordance with law.

2. The learned counsel for the petitioner submitted that the petitioner is a Cooli. While so, one Thirumalaivasan approached the petitioner for loan for a sum off Rs.10,000/-. Since, the petitioner did not have money, he got the money from his neighbor/Ramachandran and gave to Thirumalaivasan. Since, Thirumalaivasan did not returned the money, he had handed over his two-wheeler to Ramachandran. Thereafter, Thirumalaivasan took the petitioner's vehicle and kept it in front of his house after taking photographs. Subsequently, he lodged a complaint against the petitioner for not returning his vehicle. One Police Constable Mr. Sudhakar on instigation, lodged a false complaint against the petitioner. Thereafter on 23.12.2022, the petitioner gave a complaint, but till now, no action was taken. Therefore, present petition is filed.

3. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that, on receipt of complaint dated 23.12.2022 from the



Crl.OP.No.32669 of 2022

petitioner, the third respondent police have conducted enquiry in CSR.No.477 of 2022 and it is pending for further investigation. He further submitted that the petitioner is an history sheeter and there are 10 previous cases pending against the petitioner.

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 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***



Crl.OP.No.32669 of 2022

***Pradesh and others [2014 (2) SCC (1)].*** If any cognizable offence is made out, the third 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

Index : Yes / No

Speaking / Non Speaking order

Sma

To

1. The Superintendent of Police,  
Cuddalore,

4/6



CrI.OP.No.32669 of 2022

Cuddalore District.

2. The Deputy Superintendent of Police,  
Tittagudi,  
Cuddalore District.
3. The Station House Office,  
Avingudi Police Station,  
Cuddalore District.
4. The Public Prosecutor,  
High Court of Madras, Chennai.

**G.CHANDRASEKHARAN,J.**

Sma



WEB COPY



Crl.OP.No.32669 of 2022

**Crl.O.P.No.32669 of 2022**

**04.01.2023**