

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.O.P.NO.16167 OF 2020

Mrs.Sasikala

... Petitioner

Vs

1. The Superintendent of Police,
Tiruvallur District,
Tiruvallur.
2. The Deputy Superintendent of Police,
District Crime Branch,
Tiruvallur District, Tiruvallur.
3. The Inspector of Police,
District Crime Branch,
Tiruvallur District, Tiruvallur.

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the respondents to register a case and to conduct appropriate enquiry on the complaint of the petitioner, dated 18.02.2020 in accordance with law.

For Petitioner : Mr.V.Surya Sankar.

For Respondents: Mrs.M.Prabhavathi,
Additional Public Prosecutor.

O R D E R

The matter was heard through "Video Conference".

2.This Criminal Original Petition has been filed seeking direction to direct the respondents to register a case and to conduct appropriate enquiry on the complaint of the petitioner, dated 18.02.2020.

3.Heard Mr.V.Surya Sankar, learned Counsel appearing for the petitioner and Mrs.M.Prabhavathy, learned Additional Public Prosecutor appearing for the respondents police.

4. In view of the Judgment in M.Subramaniam vs. S.Janaki reported in 2020 SCC Online SC 341 dated 20.03.2020, now the law in respect to the registration of the complaint has been well settled by our Hon'ble Apex Court that before filing the application under Section 482 Cr.P.C., for the relief of direction, directing the respondents police to register the case, the aggrieved party has to approach the Magistrate and to file a petition under Section 156(3) Cr.P.C. Only thereafter, the petitioner is entitled to file an application under section 482 Cr.P.C for the relief stated supra. But the petitioner herein, without filing any application before the Magistrate under Section 156(3) of Cr.P.C., has directly filed this petition and therefore, the petition filed by the petitioner is devoid of merits. However, the petitioner is at liberty to file a petition before the Magistrate concerned under Section 156(3) of Cr.P.C., within a period of one month from the date of receipt of a copy of this order.

5. With the above observation, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Tiruvallur District, Tiruvallur.
2. The Deputy Superintendent of Police,
District Crime Branch,
Tiruvallur District, Tiruvallur.
3. The Inspector of Police,
District Crime Branch,
Tiruvallur District, Tiruvallur.
4. The Public Prosecutor,
High Court of Madras, Chennai.

+1cc to M/s.R.Munuswamy, Advocate, S.R.No.33641

Cr1.O.P.No.16167 of 2020

GP(CO)
CS/03/11/2020