

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 17.02.2021
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.2975 of 2021

P.Uma

... Petitioner

Vs.

1. The Commissioner of Police

Salem City
Sankari Main Road
Neethimedu
Salem, Tamil Nadu - 636 002.

2. The Deputy Commissioner of Police

Salem City
Sankari Main Road
Neethimedu
Salem, Tamil Nadu - 636 002.

3. The Assistant Commissioner of Police

Salem City
Sankari Main Road
Neethimedu
Salem, Tamil Nadu - 636 002.

4. Inspector of Police

Salem Town Police Station
Salem District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 1 to 3 Respondents to register the Petitioner complaint dated 06.11.2020 and take action against the accused persons Kumar, Inspector of Police and investigate the same in accordance with law.

For Petitioner

: Mr.Abinesh Babu

For Respondents

: Mr.Mohamed Riyaz,

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents Police to register a case based on the petitioner's complaint dated 06.11.2020, pending on the file of the first respondent Police.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

3. This petition is not maintainable, in view of the Order passed by a Division Bench of this Court in G.Prabhakaran v. The Superintendent of Police, Thanjavur reported in (2018) 2 LW CrI 489. 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 Case, has categorically held that the High Court cannot issue any direction for registration of FIR in exercise of its jurisdiction under Section 482 of Cr.P.C. The Hon'ble Supreme Court held that the informant has to necessarily avail of the alternative remedy provided under Section 154 (3) of Cr.P.C., and Section 156 (3) of Cr.P.C. Liberty is given to the petitioner to workout her remedy as per the directions issued by the Division Bench in the order referred supra.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

rli

To

1. The Commissioner of Police
Salem City
Sankari Main Road
Neethimedu
Salem, Tamil Nadu - 636 002.

2. The Deputy Commissioner of Police
Salem City
Sankari Main Road
Neethimedu
Salem, Tamil Nadu - 636 002.

3. The Assistant Commissioner of Police
Salem City
Sankari Main Road
Neethimedu
Salem, Tamil Nadu - 636 002.

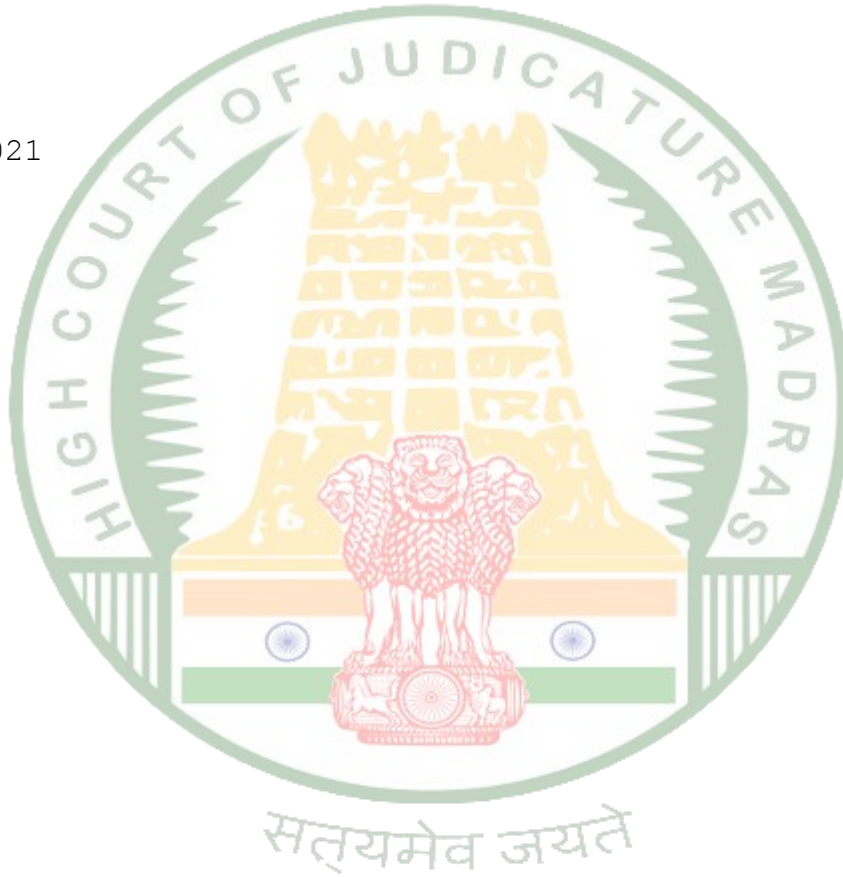
4. Inspector of Police
Salem Town Police Station
Salem District.

5. The Public Prosecutor,
High Court, Madras.

+2 ccs to M/s.Abinesh Babu Advocate sr9718

Cr1.O.P.No.2975 of 2021

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