

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.01.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.520 of 2021

Dhakshayini

..Petitioner

Vs.

1. State by

The Deputy Commissioner of Police,
Vepery Range,
Chennai.

2. State represented by

The Inspector of Police,
Vepery Police Station,
Chennai.

..Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to conduct enquiry and register case against Manikandan and file FIR.

For Petitioner :Mr.T.K.S.Gandhi

For Respondents :Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents to conduct enquiry and register case against Manikandan and file FIR.

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 his 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/-

Assistant Registrar(CS III)

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mra/ebsi
To

Sub Assistant Registrar

1. The Deputy Commissioner of Police,
Vepery Range,
Chennai.
2. The Inspector of Police,
Vepery Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.520 of 2021

rv(CO)
rv(09/02/2021)

सत्यमेव जयते

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