

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1395 of 2021

M.Kiruthiga

..Petitioner

Vs.

State Rep. By its
Inspector of Police (Law & Order)
S-4, Nandambakkam Police Station,
Chennai-89.

..Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent Police herein to investigate and register the case on the Petitioner's complaint dated 09.12.2020 pending on the file of the Respondent police..

For Petitioner : Mr.D.Nandhagopal
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 09.12.2020, pending on the file of the respondent Police.

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

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/-
Assistant Registrar (CS VI)

//True copy//

Sub Assistant Registrar

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To

1. Inspector of Police (Law & Order)
S-4, Nandambakkam Police Station,
Chennai-89.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Nandagopal, Advocate SR.No.5129

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SV (CO)
KKV/04/03/2021



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