



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.1750 of 2021

1.Mr.Natarajan

2.Minor N.Surthilaya

3.Minor N.Udhayraj

...Petitioners

.Vs.

1.The Deputy Commissioner of Police,
Women and Child Protection,
Thousand Light, Chennai 600 006.

2.The Inspector of Police, L & O,
T4 Maduravoyal Police Station,
Maduravoyal, Chennai 600 095.

3.Mrs.Tamilselvi

4.Mr.Suresh Kumar

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the 1st respondent to consider and thereby disposing the representation made by petitioner dated on 23.09.2020, 27.10.2020 for to direct the 1st respondent police to conduct adjudication process or investigation expeditiously and during the course of investigation if any cognizable offence is made out shall be take action according to law and with relevant enactment, on petitioner police Complainant dated on 23.09.2020, 27.10.2020, on the file of 1st respondent police.

For Petitioner : Mr.K.Yuvaraj

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R 1 & R 2

O R D E R

This Writ Petition has been filed to direct the 1st respondent to consider and dispose the representation made by the petitioner on 23.09.2020 and 27.10.2020, and to direct the 1st respondent to conduct adjudication process or investigation expeditiously.



2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2.

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 CrL 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 petitioners to workout their remedy as per the directions issued by the Division Bench in the order referred supra.

4. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Deputy Commissioner of Police,
Women and Child Protection,
Thousand Light, Chennai 600 006.

2. The Inspector of Police, L & O,
T4 Maduravoyal Police Station,
Maduravoyal, Chennai 600 095.

3. The Public Prosecutor,
High Court, Madras.

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AAB (CO)
GN(10/08/2021)