

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2526 of 2021

R.Amudha

..Petitioner

Vs.

The State Rep. by

1. The Commissioner of Police,
O/o. the Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.

2. The Inspector of Police,
V-7, Nolambur Police Station,
Mogappair,
Chennai - 600 037.

..Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to register the complaint based on complaint dated 05.01.2021 made by the petitioner to the 1st respondent within the time framed fixed by this court.

For Petitioner : Mr.S.V.D.Rajendra Prasad

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the 1st respondent to register the complaint based on complaint dated 05.01.2021 made by the petitioner to the 1st respondent within the time framed fixed by this court.

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 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 petitioner to workout his remedy as per the directions issued by the Division Bench in the order referred supra.

This Criminal Original Petition is disposed of accordingly.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr

To

1. The Commissioner of Police,
O/o. the Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
V-7, Nolambur Police Station,
Mogappair,
Chennai - 600 037.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.V.D.Rajendra Prasad, Advocate sr 7964.

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PA(CO)
SP(09/03/2021)