

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1592 of 2021

1. M.Sivakamasundari
2. T.Rajalakshmi

.. Petitioners

Vs.

The State

Rep. By the Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, directing the respondent to register the petitioners complaint dated 25.06.2020 within the time stipulated by this Court.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the second respondent Police to register a case based on the petitioners' complaint dated 25.06.2020, pending on the file of the respondent Police.

2. Heard the learned counsel for the petitioners 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 their remedy as per the directions issued by the Division Bench in the order referred supra.

4. One of the grievance expressed by the learned counsel for the petitioner is that inspite of a petition filed under Section 156(3) of Cr.P.C., the learned Judicial Magistrate, Madhukkarai has not taken any action on the same. Therefore, left with no other option, this petition was filed before this court. The learned Judicial Magistrate, Madhukkarai is directed to immediately act upon the petition filed by the petitioners under Section 156 (3) of Cr.P.C.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//
Sub Assistant Registrar

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To

1.The Chief Judicial Magistrate,
Coimbatore.

2.The Judicial Magistrate,
Madhukkarai.

3.The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.

4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.B.Viswanathan, Advocate SR.5818

Cr1.O.P.No.1592 of 2021

AK II(CO)
CB(25/02/2021)