

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1705 of 2021

B.Mathangi

.. Petitioner

Vs.

1. The Superintendent of Police,  
Anti-lan Grabbing Special Cell,  
Nagapattinam.

2. The Inspector of Police,  
Nagapattinam Police Station,  
Nagapattinam District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, directing the second respondent to register a criminal case based on the complaint of the petitioner dated 27.12.2020.

For Petitioner : Ms.C.P.Priya

For Respondents: 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 petitioner's complaint dated 27.12.2020, pending on the file of the respondents Police.

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 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.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

rli  
To

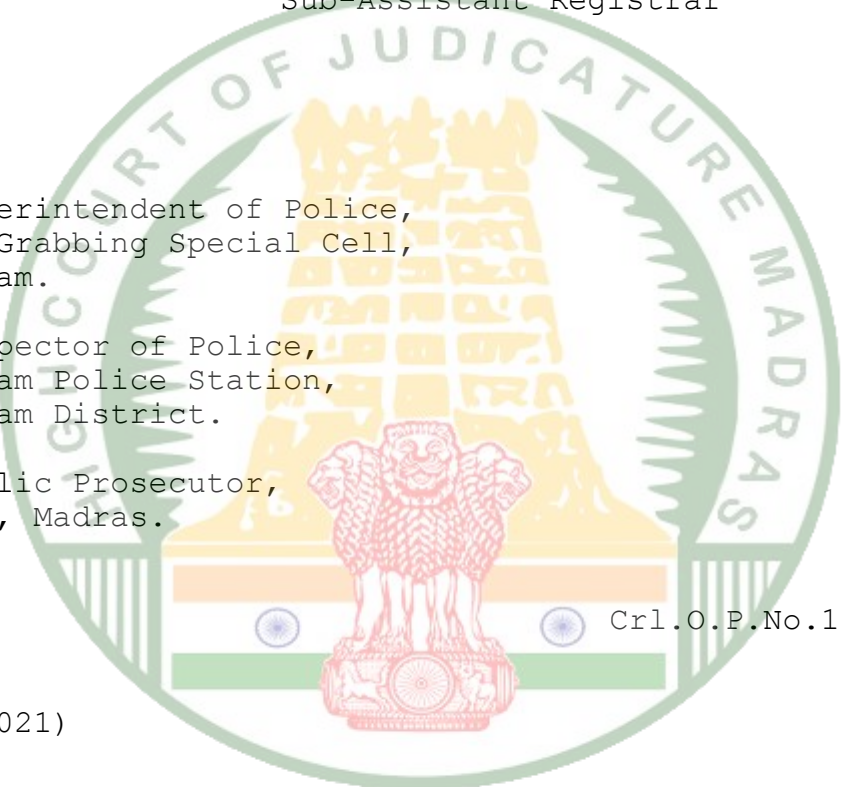
1. The Superintendent of Police,  
Anti-land Grabbing Special Cell,  
Nagapattinam.

2. The Inspector of Police,  
Nagapattinam Police Station,  
Nagapattinam District.

5. The Public Prosecutor,  
High Court, Madras.

Cr1.O.P.No.1705 of 2021

JPII (CO)  
SP(17/03/2021)

The seal of the Madras High Court is a circular emblem. It features a central illustration of the Lion Capital of Ashoka, which is a four-lion capital carved from a single block of dark soapstone. The lions are facing the four corners of the capital. The capital is set on a base of four elephants. The entire emblem is surrounded by a green border. The words "COURT OF JUDICATURE MADRAS" are written in a circular path around the emblem. At the bottom of the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is inscribed in Devanagari script.

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