

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2192 of 2021

R.Gomathi Iyyar

.. Petitioner

Vs.

1. The Deputy Superintendent of Police,
Anna Nagar,
Chennai - 600 037.

2. The Inspector of Police,
V7, Nolambur Police Station,
Chennai.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to register a case on the basis of the petitioner's complaint dated 13.06.2020 in CSR No.168 of 2020 pending on the file of the 2nd respondent to take action in accordance with law and thus render justice.

For Petitioner : Mr.R.Pushpalatha

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1 & R2

O R D E R

This petition has been filed to direct the 2nd respondent to register a case on the basis of the petitioner's complaint dated 13.06.2020 in CSR No.168 of 2020 pending on the file of the 2nd respondent to take action in accordance with law

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

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.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr
To

1.The Deputy Superintendent of Police,
Anna Nagar,
Chennai - 600 037.

2.The Inspector of Police,
V7, Nolambur Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.R.Pushpalatha, Advocate Sr.No. 7153

Cr1.O.P.No.2192 of 2021

SSN(CO)
RMP(01/03/2021)

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