

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.2072 OF 2021

Rajeswari

.. Petitioner

Vs.

1. The Commissioner of Police,
Chennai-7.

2. The Deputy Commissioner of Police,
K4, Anna Nagar Police Station,
Anna Nagar, Chennai-40.

3. The Assistant Commissioner of Police,
T4 Maduravoyal Police Station,
Chennai-95.

4. The Inspector of Police,
T4, Maduravoyal Police Station,
Chennai-95.

.. Respondents

Prayer:

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 4th respondent herein to register a case on the complaint dated 07.01.2021 through RPAD on the file of the 4th respondent and investigate into the case.

For Petitioner : Mr.T.A.Narendar

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

O R D E R

This petition has been filed to direct the respondents Police to register a case based on the petitioner's complaint dated 07.01.2021, pending on the file of the 4th respondent 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.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Commissioner of Police, Chennai-7.
2. The Deputy Commissioner of Police,
K4, Anna Nagar Police Station,
Anna Nagar, Chennai-40.
3. The Assistant Commissioner of Police,
T4 Maduravoyal Police Station, Chennai-95.
4. The Inspector of Police,
T4, Maduravoyal Police Station, Chennai-95.
5. The Public Prosecutor, High Court, Madras.

+lcc to M/s.J.Solomon, Advocate, S.R.No.6758

CrI.O.P.No.2072 of 2021

AAB(CO)
CS/22/03/2021