

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.2639 of 2021

S.Bhavani

...Petitioner

.Vs.

1.State rep.by

The Deputy Commissioner of Police,
Adyar Police District,
Adyar, Chennai 600 020.

2.The Inspector of Police,

J.10 Semmancherry Police Station, (L&O),
Semmancherry, Chennai.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to register the complaint of the petitioner dated 18.06.2019 and investigate the same in accordance with law.

For Petitioner : Ms.D.Bharathy

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent police to register the FIR based on the complaint given by the petitioner on 18.06.2019.

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(CS VI)

True Copy

Sub-Assistant Registrar

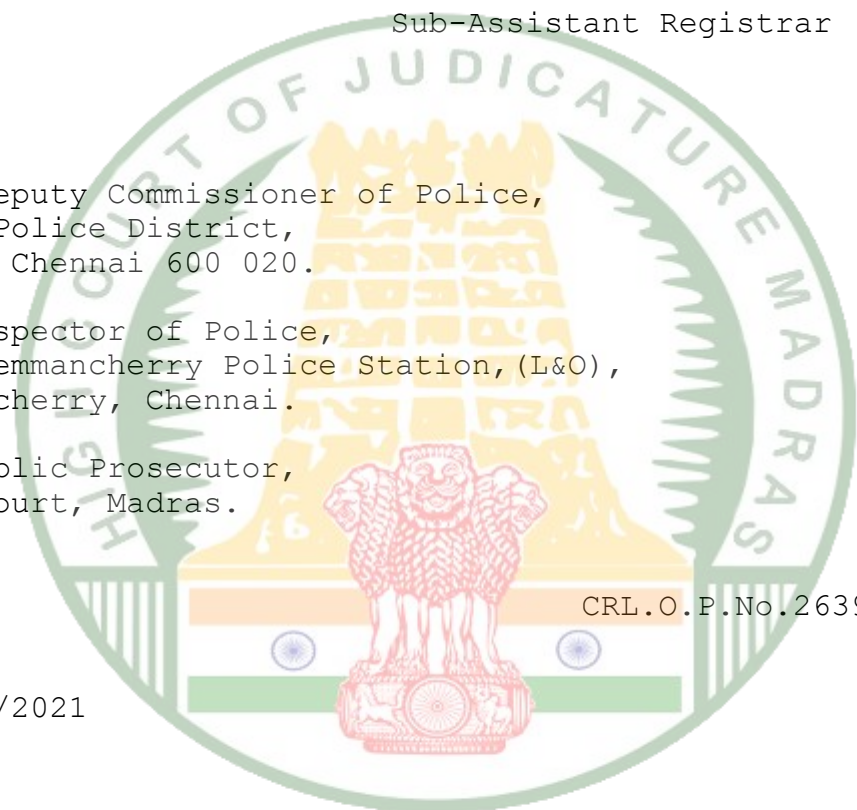
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To

1. The Deputy Commissioner of Police,
Adyar Police District,
Adyar, Chennai 600 020.
2. The Inspector of Police,
J.10 Semmancherry Police Station, (L&O),
Semmancherry, Chennai.
3. The Public Prosecutor,
High Court, Madras.

SSD(CO)
KKV/09/03/2021

CRL.O.P.No.2639 of 2021

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is flanked by two green trees. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green arc around the top. At the bottom, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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