

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.4621 of 2021

M.Backiyalakshmi

... Petitioner

Vs.

1. STATE REP.BY

THE COMMISSIONER OF POLICE GREATER CHENNAI
VEPERY CHENNAI - 600 007.

2 THE INSPECTOR OF POLICE

W-9 ALL WOMEN POLICE STATION VILLIVAKKAM
CHENNAI - 600 049.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Respondents 1 and 2 to register a case on the basis of the complaint made by the petitioners mother Mrs.M.Suseela on 29.01.2020 before the 1st Respondent.

For Petitioner : Mr.S.Ambigapathi

For Respondent : Mr.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner complaint dated 29.01.2020 pending on the file of the respondent Police.

2.Heard the learned counsel for the petitioner 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 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(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. THE COMMISSIONER OF POLICE,
GREATER CHENNAI,
VEPERY, CHENNAI - 600 007.
- 2 THE INSPECTOR OF POLICE,
W-9 ALL WOMEN POLICE STATION, VILLIVAKKAM,
CHENNAI - 600 049.
3. THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

Cr1.O.P No.4621 of 2021

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srg 24/03/2021

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