

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.3047 of 2021

G.Indirani

...Petitioner

Versus

1.The Commissioner of Police,
O/o The Commissioner of Police,
Salem.

2.The Inspector of Police,
Alagapuram Police Station,
Salem.

..Respondents

This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to direct the 2nd Respondent to register the FIR based on the petitioner's complaint dated 16.12.2020.

For Petitioner : Mr.S.P.Yuvaraj.

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 16.12.2020, 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.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
O/o The Commissioner of Police,
Salem.

2.The Inspector of Police,
Alagapuram Police Station,
Salem.

3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.P.Yuvaraj, Advocate, S.R.No. 9361

Cr1.O.P.No.3047 of 2021

GPL (CO)
GN(18/03/2021)

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