

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.3380 of 2021

B.Vanisree

...Petitioner

.Vs.

1. The Assistant Commissioner of Police,
Adyar,
No.56, L.B.Road,
Chennai 600 020.

2. The Inspector of Police,
Law & Order,
J-6, Adyar Police Station,
Adyar,
Chennai 600 020.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent police to register the petitioner's complaint dated 04.02.2021.

For Petitioner : Mr.A.Balasingh Ramanujam

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent to register the complaint based on the petitioner's complaint dated 04.02.2021.

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

//True Copy//

Sub Assistant Registrar

KP

To

1.The Assistant Commissioner of Police,
Adyar,
No.56, L.B.Road,
Chennai 600 020.

2.The Inspector of Police,
Law & Order,
J-6, Adyar Police Station,
Adyar,
Chennai 600 020.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.A.Balsing Ramanujam, Advocate Sr.No. 10620

CRL.O.P.No.3380 of 2021

AK1 (CO)

RMP (16/03/2021)

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