

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.7094 of 2021

S.Shreevidya

... Petitioner

Versus

State by: The Inspector of Police
Foreshore Estate Police Station
Mylapore,
Chennai 600 004.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to take action against the accused person namely, Dr.Edwin, Ayesha and others in pursuance of the CSR No.33/2021 dated 17.01.2021, pending on the file of the respondent police herein and to conduct enquiry and investigate the same in accordance with law.

For Petitioner : Mr.M.Kempraj

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent to take action against the accused person namely, Dr.Edwin, Ayesha and others in pursuance of the CSR No.33/2021 dated 17.01.2021, pending on the file of the respondent police herein and to conduct enquiry and investigate the same in accordance with law.

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 Cr1 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.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dna

To

1.The Inspector of Police
Foreshore Estate Police Station
Mylapore,
Chennai 600 004.

2.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.Kempuraj, Advocate, S.R.No. 22688

CRL.O.P.No.7094 of 2021

PVS (CO)
GN(05/07/2021)

सत्यमेव जयते

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