

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.3671 of 2021

Banumathi

... Petitioner

vs.

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600 007.

2. The Inspector of Police (Crime)
R-5, Virugambakkam Police Station,
Virugambakkam, Chennai 600 093.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent based on the petitioner's complaint dated 14.10.2019 and thereby registering the case immediately.

For Petitioner : Ms.P.A.Chitramani

For Respondents : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 14.10.2019, pending on the file of the respondent Police.

2.Heard the learned counsel appearing 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 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 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

jv

To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600 007.
2. The Inspector of Police (Crime)
R-5, Virugambakkam Police Station,
Virugambakkam, Chennai 600 093.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to M/s.P.A.Chitramani, Advocate, S.R.No.10963.

GPL(CO)
CSR 17.03.2021

CrI.O.P No.3671 of 2021