

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.4047 of 2021

Mrs.Ealizabadhkumari

..Petitioner/Defacto Complainant

Vs.

State Reprresented by
The Sub-Inspector of Police,
Nemili Police Station,
Nemili Taluk,
Ranipet District.
Pin Code: 631 051.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent herein to register the complaint dated 08.11.2020 given by the petitioner/de-facto complainant, received under CSR No.453 of 2020 and to hold a proper investigation in accordance with law.

For Petitioner : Mr.R.Natarajan

For Respondent : Mr.C.Raghavan

Government Advocate

O R D E R

This petition has been filed to direct the respondent herein to register the complaint dated 08.11.2020 given by the petitioner/de-facto complainant, received under CSR No.453 of 2020 and to hold a proper investigation in accordance with law.

2.Heard the learned counsel for the petitioner and the learned Government Advocate 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 her remedy as per the directions issued by the Division Bench in the order referred supra.

This Criminal Original Petition is disposed of accordingly.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr
To

1. The Sub-Inspector of Police,
Nemili Police Station,
Nemili Taluk,
Ranipet District.
Pin Code: 631 051.
2. The Public Prosecutor,
High Court, Madras.

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SMI (CO)
SP(18/03/2021)

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