

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.4773 of 2021

T.S.Arivagam

.. Petitioner

Vs.

1. The State Rep. by
The Commissioner of Police,
Greater Chennai,
EVK Sampath Road, Vepery,
Chennai - 9.
2. The Inspector of Police,
Pallikaranai Police Station,
Chennai.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to Register FIR based on the petitioner's compliant dated on 04.11.2020.

For Petitioner : Mr.S.Sucendran

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

O R D E R

This petition has been filed to direct the 2nd respondent to Register FIR based on the petitioner's compliant dated on 04.11.2020.

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 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.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Commissioner of Police,
Greater Chennai,
EVK Sampath Road, Vepery,
Chennai - 9.
2. The Inspector of Police,
Pallikaranai Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Sugendran, Advocate, S.R.No.15316.

PMK(CO)
CSR 26.03.2021

CrI.O.P.No.4773 of 2021

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