

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.03.2021

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THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.5742 of 2021

Y.Nazar, S/o. Yunus

.. Petitioner

Vs.

1. The State Rep. By
The District Superintendent of Police,
O/o. District Superintendent of Police,
Dharmapuri.

2. The State Rep. by
The Inspector of Police,
B-1, Dharmapuri Police Station,
Dharmapuri,
Dharmapuri District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the 2nd respondent to register the case based on the petitioner's complaint dated 06.03.2020 and CSR No.134/2020, dated 13.03.2020 issued by the 2nd respondent.

For Petitioner : Mr.D.Ramesh Kumar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
ORDER

This petition has been filed to direct the 2nd respondent herein to register the case based on the petitioner's complaint dated 06.03.2020 and CSR No.134/2020, dated 13.03.2020 issued by the 2nd respondent.

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.

This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The District Superintendent of Police,
O/o. District Superintendent of Police,
Dharmapuri.
2. The Inspector of Police,
B-1, Dharmapuri Police Station,
Dharmapuri, Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.

W.P.No.5742 of 2021

PMK(CO)
CSR 29.03.2021

सत्यमेव जयते

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