

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.4564 of 2021

Sumathi

...Petitioner

.Vs.

- 1.The State of Tamil Nadu
Rep.by the Superintendent of Police,
Tiruvallur.
- 2.The State of Tamil Nadu
Rep.by Inspector of Police,
D2, Thiruvallangadu Police Station,
Kadambathur Police Station,
Thiruvallur District.
- 3.Mrs.Jayastree Rani,
Assistant Joint Director,
Animal Disease and Intelligent Case Unit,
Vellore.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent police herein to register the complaint of the petitioner dt.20.07.2020 and investigate the same.

For Petitioner : Mr.K.Nagarajan
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R 1 & R 2

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent to register the complaint of the petitioner dt.20.07.2020 and investigate the same.

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.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-
Asst.Registrar (CS IV)

/true copy/
Sub Asst. Registrar

KP

To

- 1.The Superintendent of Police,
Tiruvallur.
2. Inspector of Police,
D2, Thiruvallangadu Police Station,
Kadambathur Police Station,
Thiruvallur District.
- 3.The Public Prosecutor,
High Court, Madras.

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