

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.5745 of 2021

Mohanapriya

...Petitioner

.Vs.

1.The District Superintendent of Police,
Dharmapuri District.
Dharmapuri.

2.The Inspector of Police,
All Women Police Station,
Pennagaram,
Dharmapuri District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register the case based on the petitioner's complaint dated 17.02.2021 in CSR No.32 of 2021 and file a FIR.

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

O R D E R

This Criminal Original Petition has been filed to direct the respondents to register the case based on the petitioner's complaint dated 17.02.2021 in CSR No.32 of 2021.

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/-
Assistant Registrar(CS VII)

/TRUE COPY/

Sub-Assistant Registrar

KP

To

1.The District Superintendent of Police,
Dharmapuri District.
Dharmapuri.

2.The Inspector of Police,
All Women Police Station,
Pennagaram,
Dharmapuri District.

3.The Public Prosecutor,
High Court, Madras.

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PCH(CO)
KKN 19.04.2021

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