

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7036 of 2021

E.Nithya

... Petitioner

Versus

1.The Commissioner of Police,
O/o Commissioner of Police,
Chennai.

2.The Inspector of Police,
W-20, All Women Police Station,
Saidapet, Chennai - 600 015. ... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to register FIR in view of the petitioner complaint dated 29.01.2021, within a time framed by this Court.

For Petitioner : Mr.R.Y.George Williams

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

ORDER

This petition has been filed seeking a direction, to direct the second respondent to register FIR in view of the petitioner complaint dated 29.01.2021.

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 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 his 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 III)

/TRUE COPY/

Sub-Assistant Registrar

klt

To

- 1.The Commissioner of Police,
O/o Commissioner of Police,
Chennai.
- 2.The Inspector of Police,
W-20, All Women Police Station,
Saidapet, Chennai - 600 015.
- 3.The Public Prosecutor,
High Court, Madras.

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16.04.2021

KV(CO)
KKN 19.04.2021

सत्यमेव जयते

WEB COPY