

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2021

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6338 of 2021

R.Bhagavathi

Proprietor

M/s. S.B. Enterprises

COCO - IOC Indira Nagar Services Provider

No.60, LB Road, Indira Nagar

Adyar, Chennai - 600 020.

...Petitioner

Vs.

State represented by

The Inspector of Police (Crime)

J.2. Police Station

Adyar, Chennai - 600 020.

...Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondent, Inspector of Police, J2 Adyar Police Station, Chennai, to register the complaint dated 08.03.2021 and to investigate the matter.

For Petitioner : Mr. S.Kanniah

For Respondent : Mr.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 08.03.2021, pending on the file of the respondent Police.

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.

4.This Criminal Original Petition is disposed of accordingly.

s/d-

Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

rli

To

1. The Inspector of Police (Crime)
J.2. Police Station
Adyar, Chennai - 600 020.
 2. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.K. Selvaraj, Advocate sr 21320.

Cr1.O.P.No.6338 of 2021

GSM(CO)
SP(21/06/2021)

सत्यमेव जयते

WEB COPY