

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.6429 of 2021

D.Ruby
Aged 32 years
W/o. Dinesh Babu
Door No.5, Village Nagar
Kurumbapalayam
Sarkarsamakulam
Coimbatore - 641 107. Petitioner

Vs.

1. The Superintendent of Police
Coimbatore District
Coimbatore.
2. The Inspector of Police
Thudialur Police Station
Coimbatore District. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondents to register a FIR on the complaint of the Petitioner dated 15.01.2021 in C.S.R. No. 40 of 2021 in accordance with law.

For Petitioner : Mr. S.Arjun
For Respondent : Mr.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents Police to register a case based on the petitioner's complaint dated 15.01.2021, pending on the file of the second respondent Police.

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 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.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

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To

1. The Superintendent of Police
Coimbatore District
Coimbatore.
2. The Inspector of Police
Thudialur Police Station
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.6429 of 2021

PL(CO)
KKN 26.04.2021

सत्यमेव जयते

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