

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.7123 of 2021

N.Santhikumari

... Petitioner

Versus

1.The Commissioner of Police,
Commissioner of Chennai,
Commissioner office, Vepery, Chennai-9.

2.The Superintendent of Police,
Thiruvallur District, Thiruvallur - 602 001.

3.The Inspector of Police,
M-4, Police Station, Redhills,
Chennai-52.

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent to register a case based on the petitioner's complaint dated 24.12.2020 and 10.01.2021 against the accused R.K.Venkatachalam along with his family members V.Kumar, K.Vijayalakshmi, S.Ezhilarasan and E.Sheela and file a FIR.

For Petitioner : Mr.V.Nandagopalan

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

ORDER

This petition has been filed to direct the 3rd respondent to register a first information report on the basis of the complaint dated 24.12.2020 and 10.01.2021 given by the petitioner against the accused mentioned in the complaint.

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 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 IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
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Commissioner office, Vepery, Chennai-9.

2.The Superintendent of Police,
Thiruvallur District, Thiruvallur - 602 001.

3.The Inspector of Police,
M-4, Police Station, Redhills,
Chennai-52.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Nandagopalan, Advocate SR.No. 23010

CRL.O.P.No.7123 of 2021

A.SK(21.04.2021)