

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.7557 of 2021

L.Jothilakshmi

... Petitioner/Defacto Complaint

Versus

State Represented by,
The Inspector of Police,
T9-Pattabiram Police Station,
Chennai - 600 072.

... Respondent/Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to investigate the complaint of the petitioner dated 23.03.2021 by registering an FIR, file final report and proceed further in accordance with law for protecting the petitioner and her property.

For Petitioner : Dr.R.Maheswari

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

ORDER

This petition has been filed to direct the respondent to register the petitioner complaint dated 23.03.2021 and file an FIR.

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 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-IX)

//True Copy//

Sub Assistant Registrar

mbi

To

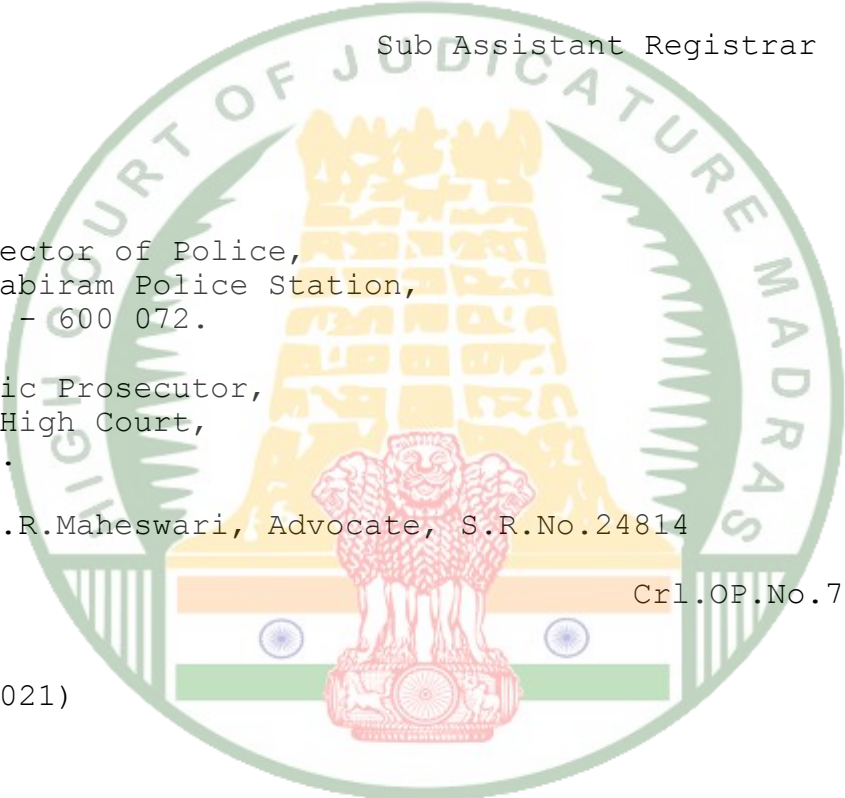
1.The Inspector of Police,
T9-Pattabiram Police Station,
Chennai - 600 072.

2.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Dr.R.Maheswari, Advocate, S.R.No.24814

Cr1.OP.No.7557 of 2021

SVI (CO)
CB(05/07/2021)



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