

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.7126 of 2021

S.Kayalvizhi

... 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

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent to register the case of the petitioner complaint dated 10.03.2021 against R.K.Venkatachalam, V.Kumar, K.Vijaya Lakshmi, S.Ezhilarasan and E.Sheela and file a FIR.

For Petitioners: Mr.V.Nandagopalan

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

ORDER

This petition has been filed to direct the third respondent to register the case of the petitioner complaint dated 10.03.2021 against R.K.Venkatachalam, V.Kumar, K.Vijaya Lakshmi, S.Ezhilarasan and E.Sheela and file a FIR.

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

//True Copy//

Sub Assistant Registrar

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To

- 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.
- 4.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.V.Nandagopalan, Advocate, S.R.No. 23993

Cr1.OP.No.7126 of 2021

RSV(CO)
GN(17/06/2021)

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