

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21137 of 2020

P.Devi

.. Petitioner

.vs.

1. The District Superintendent of Police,
Dharmapuri District.

2. The Inspector of Police,
Bommidi Police Station,
Bommidi,
Dharmapuri District - 635 301.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd Respondent to register the complaint dated 24.12.2019 and to investigate the same as in accordance with law expeditiously and consequently direct the 1st respondent to monitor the investigation of the same.

For Petitioner : Ms.R.Lavanya

For Respondents : Mr.M.Mohamed Riyaz, (Crl.Side)
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 2nd Respondent to register the complaint dated 24.12.2019 and to investigate the same as in accordance with law expeditiously and consequently direct the 1st respondent to monitor the investigation of the same.

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 CrI 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.

This Criminal Original Petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr

To

1. The District Superintendent of Police,
Dharmapuri District.

2. The Inspector of Police,
Bommidi Police Station,
Bommidi,
Dharmapuri District - 635 301.

3.The Public Prosecutor,
High Court of Madras,
Madras.

+1 CC to Ms.R.Lavanya, Advocate Sr.No.879

CrI.O.P. No.21137 of 2020

RSV(CO)
KP(12/02/2021)