

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. No. 8282 of 2021

T.Prabavathy

...Petitioner

Versus

The Station House Officer,
Thirubhuvanai Police Station,
Thirubhuvanai,
Puducherry - 605 107

...Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the case on the basis of the petitioner's complaint dated 31.03.2021 and investigate the matter in accordance with law and file a final report before the competent Court of law at the earliest possible time.

For Petitioner : Mr.M.Gnanasekar

For Respondent : Mr.D.Bharathachakravarthi
Public Prosecutor,
Pondicherry

ORDER

This petition has been filed to direct the respondent to register the first information report on the basis of the complaint dated 31.03.2021 given by the petitioner to the respondent.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl.side) 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 V)

//True Copy//

Sub Assistant Registrar

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To

1. The Station House Officer,
Thirubhuvanai Police Station,
Thirubhuvanai,
Puducherry - 605 107.

2. The Public Prosecutor,
Puducherry.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.26648

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RK (CO)
SRG/12/07/2021

सत्यमेव जयते

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