

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.7704 of 2021

Amulya Malineni ... Petitioner/Defacto Complainant

Versus

The State Rep. by
The Inspector of Police
All Women Police Station
Avadi, Chennai. ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to enquire the complaint pending in C.S.R.No.522 of 2019, on the file of the All Women Police Station, Avadi and to register an FIR against the accused persons.

For Petitioner : Mr.S.Krishnaa

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

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner complaint dated 02.11.2019 pending on the file of the respondent Police.

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 Cr1 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(co)

//True Copy//

Sub Assistant Registrar

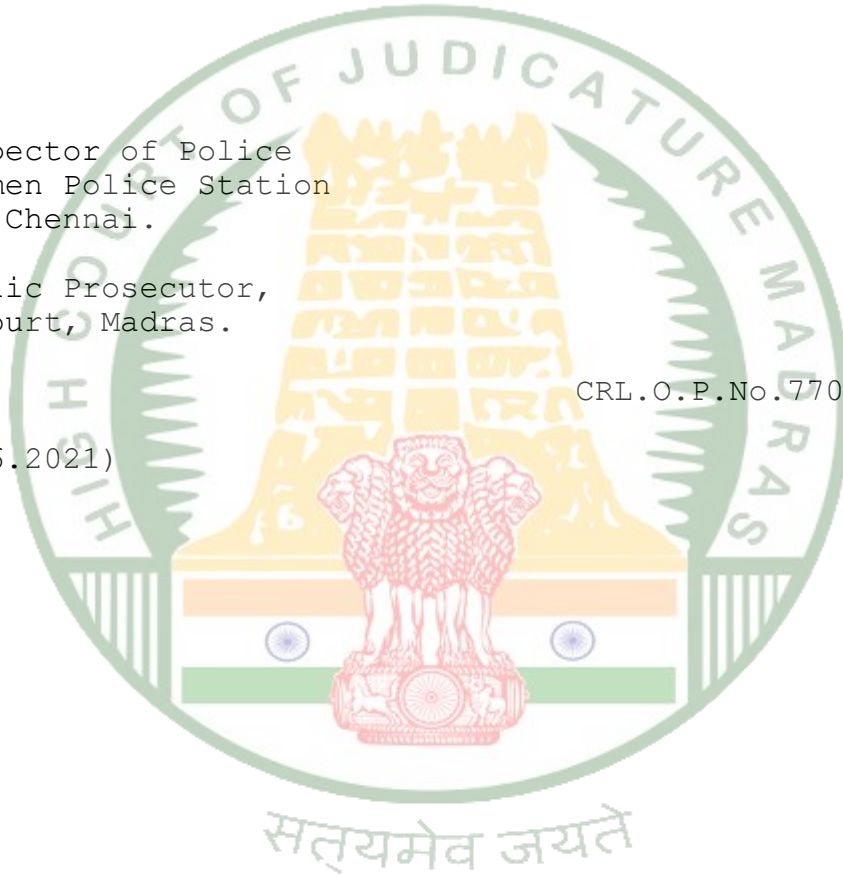
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To

1.The Inspector of Police
All Women Police Station
Avadi, Chennai.

2.The Public Prosecutor,
High Court, Madras.

sr co
A.SK(09.06.2021)

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