

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8008 of 2021

Indira Balan

... Petitioner/Defacto Complainant

Versus

The State of Tamil Nadu,
Rep by the Inspector of Police,
V7, Nolambur Police Station,
Nolambur, Chennai.

... Respondent/Respondent Police

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent/respondent police to investigate and register FIRST INFORMATION REPORT (F.I.R) in respect of petitioner's complaint dated 24/01/2021 & 24/2/21 vide registered in C.S.R No.37/2021 and to file a FIR.

For Petitioner : Mr.K.Chozhan

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

ORDER

This petition has been filed to direct the respondent Police to direct the respondent police to investigate and register FIR in respect of petitioner's complaint dated 24.01.2021 and 24.02.2021 in C.S.R.No.37 of 2021.

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 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.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

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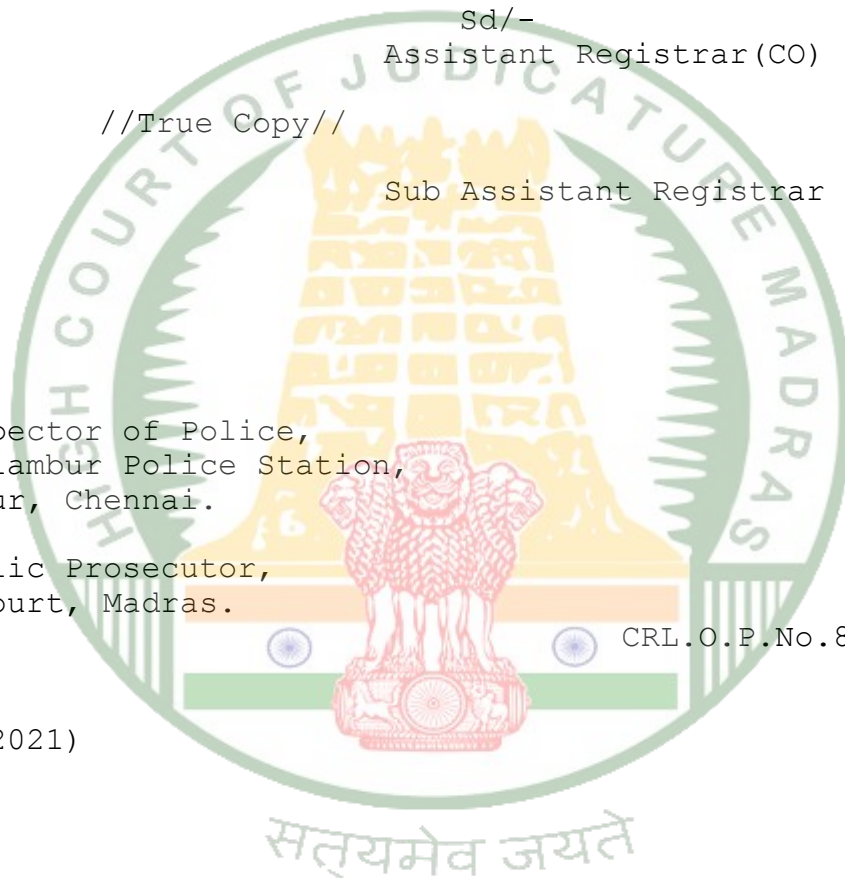
To

1.The Inspector of Police,
V7, Nolambur Police Station,
Nolambur, Chennai.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.8008 of 2021

VBM(CO)
CB(15/06/2021)



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