

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.8020 of 2021

T.Sumalatha

... Petitioner

Versus

1.The Commissioner of Police,
Grater Chennai,
Vepery, Chennai.

2.The Deputy Commissioner of Police,
Ambattur Range,
Ambattur, Chennai.

3.The Inspector of Police,
T-1 Ambattur Police Station,
Ambattur,
Chennai-600 053.

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the respondents to register the case based on the complaint of the petitioner dated 26.10.2020 and 19.04.2021, and investigate the same and file the final report before the appropriate court within the reasonable time limit fixed by this Court.

For Petitioner : Mr.V.Logeswaren

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

ORDER

This petition has been filed to direct the respondents to register a case based on the petitioner complaint dated 19.04.2021 pending on the file of the 3rd respondent Police.

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.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner of Police,
Grater Chennai,
Vepery, Chennai.
- 2.The Deputy Commissioner of Police,
Ambattur Range,
Ambattur, Chennai.
- 3.The Inspector of Police,
T-1 Ambattur Police Station,
Ambattur,
Chennai-600 053.
- 4.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.8020 of 2021

EV(CO)
CB(30/06/2021)