

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.8242 OF 2021

Smt.Mithiben Juthabhai Gami

... Petitioner

Versus

The Inspector of Police-Crime,
D4-Zambazaar Police Station,
Chennai - 600 014.

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the complaint dated 22.08.2020 and initiate and lodge FIR against the accused and do the proper investigation.

For Petitioner : Mr.A.P.Loganathan

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

ORDER

This petition has been filed to direct the respondent to register the first information report on the basis of the complaint dated 22.08.2020 given by the petitioner to the respondent Vide CSR.No.143 of 2021.

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(CCC)

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Sub Assistant Registrar

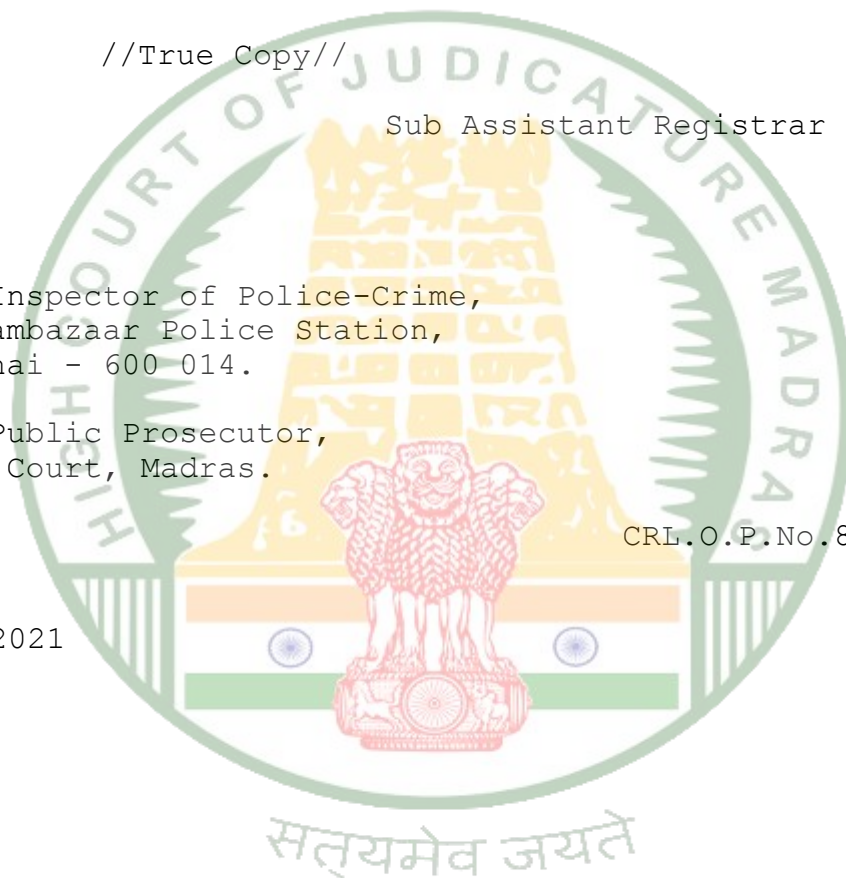
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To

1. The Inspector of Police-Crime,
D4-Zambazaar Police Station,
Chennai - 600 014.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.8242 of 2021

SSN(CO)
CS/08/07/2021



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