



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.13960 of 2021

Bakyalakshmi

...Petitioner

Versus

The Sub-Inspector of Police (Crime)
Pallavaram Police Station,
St.Thomas Mount,
Chennai - 600 043.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the complaint based on the complaint given by the petitioner on 13.03.2021 and the same is pending in CSR.No.273/2021 on the file of the respondent.

For Petitioner : Mr.K.Balakrishnan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor
(Crl.Side)

ORDER

This petition has been filed to direct the respondent to register the complaint based on the complaint given by the petitioner on 13.03.2021 and the same is pending in CSR.No.273/2021 on the file of 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

sms/gv
To

1.The Sub-Inspector of Police (Crime)
Pallavaram Police Station,
St.Thomas Mount,
Chennai - 600 043.

2.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.13960 of 2021

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srg 26/10/2021