

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.16406 of 2020

Dr.Rema Barathi J.

...Petitioner

.Vs.

The State of Tamilnadu
Rep.by

The Deputy Commissioner of Police,
Central Crime Branch, Chennai
Office of the Commissioner of Police, (CCB),
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai 600 007.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register FIR on the petitioner's complaint dated 24.09.2020 and conduct proper investigation.

For Petitioner : M/s.Chennai Law Associates

For Respondent : Mr.M.Mohamed Riyaz
(Crl.Side)
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to direct the respondent Police to register an FIR based on the petitioner's complaint dated 24.09.2020, 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

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 her remedy as per the directions issued by the Division Bench in the order referred supra.

This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

- 1.The Deputy Commissioner of Police,
Central Crime Branch, Chennai
Office of the Commissioner of Police, (CCB),
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai 600 007.
- 2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.16406 of 2020

AK II(CO)
CB(16/03/2021)

सत्यमेव जयते

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