

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.16273 of 2020

P.Kannammal

..Petitioner

Vs

1. The Assistant Commissioner of Police,
Land Grabbing (prevention) Special Team,
3rd Floor, State Bank of Road,
Coimbatore-641 018.

2. The Inspector of Police,
Land Grabbing (Prevention) Special Team,
3rd Floor, State Bank of Road,
Coimbatore-641 018.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent police to register the FIR against M/s.Veerapathiran, Guruthachalam and Kannammal, on the basis of the petitioner's complaint dated 28.09.2020.

For Petitioner : Mr.B.Manimaran

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

सत्यमेव जयते
ORDER

This petition has been filed to direct the 2nd respondent Police to register a case based on the petitioner's complaint dated 28.09.2020, pending on the file of the 2nd respondent Police.

2. Heard the learned counsel for the petitioner and the learned Government 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 her 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

//True Copy//

Sub Assistant Registrar

rli

To

1. The Assistant Commissioner of Police,
Land Grabbing (prevention) Special Team,
3rd Floor, State Bank of Road,
Coimbatore-641 018.

2. The Inspector of Police,
Land Grabbing (Prevention) Special Team,
3rd Floor, State Bank of Road,
Coimbatore-641 018.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.B.Manimaran, Advocate Sr.No. 438

UM(CO)
RMP (29/01/2021)

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