

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16407 of 2020

Selvalakshmi
W/o.Veerabagu

...Petitioner

Vs

1. The Inspector of Police
T-13, Kundrathur Police Station,
Kancheepuram District.

2. Lavanya

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register a case based on the petitioners complaint dated 24.08.2020 pending on the file of the first respondent herein against the second respondent in accordance with law.

For Petitioner : Mr.G.Sudhagar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to direct the first respondent Police to register a case based on the petitioner's complaint dated 24.08.2020, pending on the file of the first respondent Police.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the first 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 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police
T-13, Kundrathur Police Station,
Kancheepuram District.

2. The Public Prosecutor,
High Court of Madras.

+1 CC to Mr.G.Sudhagar, Advocate Sr.No.405

Cr1.O.P No.16407 of 2020

VSNII (CO)
KP(12/02/2021)

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