



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17170 of 2021

S.Nirmala Mary

... Petitioner

Versus

1.The State rep. By
The Commissioner of Police,
Vepery, Chennai.

2. The Inspector of Police,
T-11, Thiruninravur police Station,
Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue directions, directing the respondent police to register FIR against the said accused on the basis of the complaint lodged by the petitioner on 09.09.2020.

For Petitioner : Mr.S.Senthamilselvam

For Respondents : Mr.R.Vinothraja
Gov. Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

This petition has been filed to direct 2nd the respondent Police to register a case based on the petitioner's complaint dated 09.09.2020 pending on the file of the 2nd respondent Police.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) 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 Cr1 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-IV)

//True Copy//

Sub Assistant Registrar

rpp/nr

To

1. The Commissioner of Police,
Vepery, Chennai.
2. The Inspector of Police,
T-11, Thiruninravur police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Senthamil Selvam, Advocate, S.R.No.49932

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PMK(CO)
SB(18/10/2021)