

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.18370 of 2020

Brinda Kesavan

...Petitioner/Defacto
Complainant

.Vs.

1.The State rep.by
The Commissioner of Police
Periyar Salai, Chennai.

2.The Assistant Commissioner of Police
Pallavaram Police Station,
Zamin Pallavaram, Chennai.

2A.The Inspector of Police
Pallavaram Police Station,
Chennai.

...Respondents/Respondents 1 & 2& 2A

3.Sakthi Murugan

4.Monisha @ Anu

...Respondent/Accused 1&2

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register the FIR based on the petitioner's complaint dated 07.03.2020.

For Petitioner : M/s.V.Mahathi Chari

For RR 1, 2&2A : Mr.M.Mohamed Riyaz
(Crl.Side)

Additional Public Prosecutor

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O R D E R

This Criminal Original Petition has been filed to direct the respondents 1, 2 and 2A to register the FIR, based on the petitioner's complaint dated 07.03.2020.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents 1, 2 and 2A.

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

KP

To

1.The Commissioner of Police
Periyar Salai, Chennai.

2.The Assistant Commissioner of Police
Pallavaram Police Station,
Zamin Pallavaram, Chennai.

3.The Inspector of Police
Pallavaram Police Station,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

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PVS (CO)
CB(02/02/2021)