

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.17729 OF 2020

C.Kannammal
W/o.Chinnappa.

...Petitioner

.Vs.

1. The Superintendent of Police,
Chengalpattu District.
 2. State Rep. by The Sub-Inspector of Police,
Orathi Police Station,
Orathi Village, Madurandagam Taluk,
Chengalpattu District.
-Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the complaint dated 13.09.2020 in C.S.R.No.363 of 2020 against the accused, conduct investigation and pass orders.

For Petitioner : Mr.C.Moorthy

For Respondents : Mr.M.Mohamed Riyaz
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 13.09.2020, pending on the file of the second respondent police.

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

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Chengalpattu District.
2. The Sub-Inspector of Police,
Orathi Police Station,
Orathi Village, Madurandagam Taluk,
Chengalpattu District.
3. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

CRL.O.P.No.17729 of 2020

SSD(CO)
CS/02/02/2021

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