

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17955 of 2020

D.Anitha

...Petitioner

.Vs.

1.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 001.

2.The Assistant Commissioner of Police,
Ambatur,
Chennai - 600 054.

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

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to register the FIR on the complaint of the petitioner dated 14.02.2020 to the 2nd respondent forthwith and to file the final report by conducting free and fair investigation by some other agency with the supervision of the 1st respondent.

For Petitioner : Mr. C.Prabakaran

For Respondents : Mr.M.Mohamed Riyaz (crl.side)
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent Police to register an FIR based on the petitioner's complaint dated 14.02.2020, pending on the file of the 3rd 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/-
Asst. Registrar

//True Copy//

Sub Asst. Registrar

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To

1.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 001.

2.The Assistant Commissioner of Police,
Ambatur,
Chennai - 600 054.

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

4.The Public Prosecutor,
High Court, Madras.

+1 C.C.to MR.C.Prabakaran, ADVOCATE, SR.NO.96

SSN(CO)
VC (22/01/2021)

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