

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17473 of 2020

P.Tamilarasi,
W/o.S.Kumar.

... Petitioner

.Vs.

- 1.The State rep. by The Commissioner of Police, ... Respondents
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Periyamet,
Chennai,
Tamil Nadu 600 007.
- 2.The State rep. by
Inspector of Police,
J1 Police Station,
Saidapet,
Chennai 600 033.

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to register a case based on the complaint of the petitioner dated 18.08.2020 and to register an F.I.R on the given complaint, which is pending before the respondents.

For Petitioner : Mr.R.N.Kasi Vishwanathan
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent Police to register an FIR based on the petitioner's complaint dated 18.08.2020, 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 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 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 Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Periyamet,
Chennai,
Tamil Nadu 600 007.
- 2.The Inspector of Police,
J1 Police Station,
Saidapet,
Chennai 600 033.
- 3.The Public Prosecutor,
High Court, Madras.

WEB COPY

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VSNII(CO)
UMY (12.02.2021)