

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.18441 of 2020

A.Vanaja

...Petitioner

.Vs.

State rep.by

The Sub Inspector of Police
Kundrathur Police Station,
Kundrathur, Chennai 600069.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to investigate and register the complaint given by the petitioner dated 15.03.2020 CSR.No.241/2020 dated 16.03.2020 to enquire the same in accordance with law.

For Petitioner : Mr.T.K.S.Bharathi Shri

For Respondent : Mr.M.Mohamed Riyaz

(Crl.Side)

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent to register the FIR, based on the petitioner's complaint dated 15.03.2020.

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 Crl 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/-
Asst. Registrar
//True Copy//

Sub Asst. Registrar

KP

To

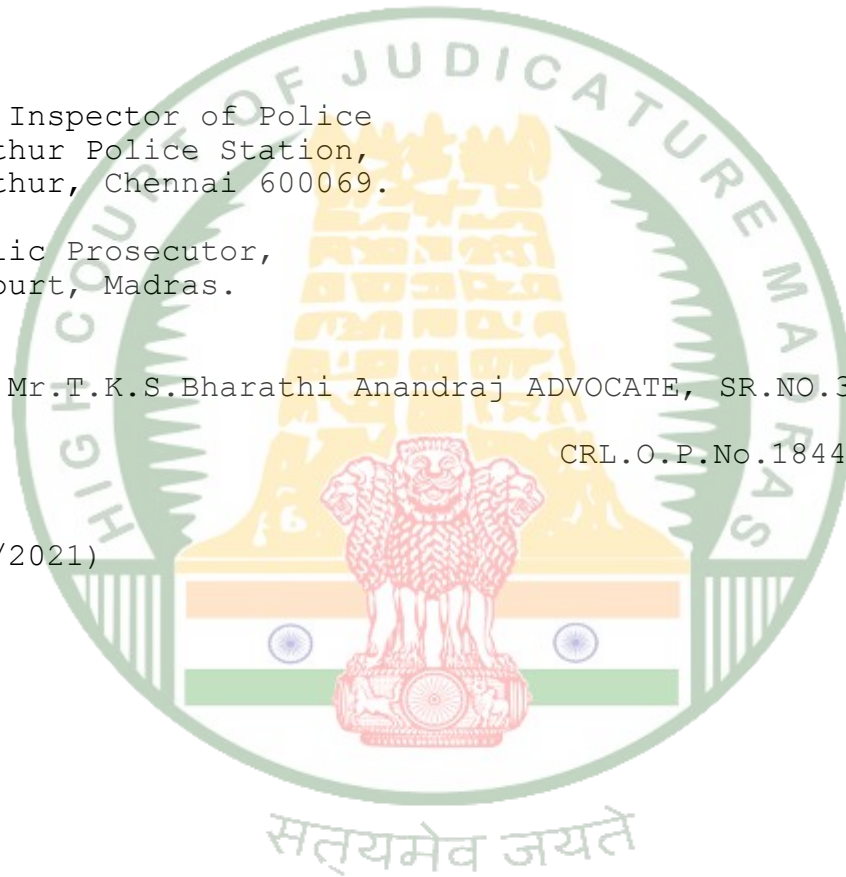
1.The Sub Inspector of Police
Kundrathur Police Station,
Kundrathur, Chennai 600069.

2.The Public Prosecutor,
High Court, Madras.

+1 C.C.to Mr.T.K.S.Bharathi Anandraj ADVOCATE, SR.NO.312

CRL.O.P.No.18441 of 2020

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



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