



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16396 of 2021

1.N.Suganthi Dharshitha
2.R.Anandan

....Petitioners

Versus

1.The Superintendent of Police,
Erode,
Erode District.

2.The Inspector of Police
Erode Taluk Police Station,
Erode District,
Erode.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents herein to register and investigate the complaint dated 09.07.2021 presented before the 1st respondent.

For Petitioner : Mr.P.Sengottuvel

For Respondents: Mr.R.Vinoth Raja
Government Advocate (Crl. Side)

ORDER

This petition has been filed to direct the respondents herein to register and investigate the complaint dated 09.07.2021 presented before the 1st respondent.

2. Heard the learned counsel for the petitioner and the learned Additional Government Advocate (Criminal Side) 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/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

dna

To

- 1.The Superintendent of Police,
Erode,
Erode District.
- 2.The Inspector of Police
Erode Taluk Police Station,
Erode District,
Erode.
- 3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.V.P.Sengottuvel, Advocate, S.R.No.49259

CRL.O.P.No.16396 of 2021

PA(CO)
CB(18/10/2021)