

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17998 of 2020

Ponarasi

...Petitioner

.Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Veppery, Chennai - 600007.
2. The Joint Commissioner of Police,
Binny road, Nazarathpuram,
Chennai - 600016.
3. The Deputy Commissioner of Police
T.Nagar Police District,
1st floor, Madley road, T.Nagar,
Chennai - 600017.
4. The Assistant Commissioner of Police
Valasarawakkam Range,
Chennai.
5. The Inspector of Police,
R-11, Royala Nagar Police Station,
Chennai.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to investigate and register a case based on the petitioner complaint dated 14.10.2020.

For Petitioner : Mr. S.Nambirajan
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

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 14.10.2020, 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 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

//True Copy//

Sub Assistant Registrar

To

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Chennai.
5. The Inspector of Police,
R-11, Royala Nagar Police Station,
Chennai.

6. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.17998 of 2020

mgr(CO)
rv(27/01/2021)



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