



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16880 of 2021

Devaiyani

... Petitioner

Versus

State rep by
The Inspector of Police,
D-3, Podhanur Police Station,
Coimbatore District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register a case based on the petitioner's complaint dated 17.07.2021 and vide S.R.No.351/2021 dated 18.07.2021, file a FIR.

For Petitioner : M/s.M.N.Balakrishnan

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl Side)

ORDER

This petition has been filed to direct the respondent to register a case based on the petitioner's complaint dated 17.07.2021 and vide S.R.No.351/2021 dated 18.07.2021.

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 his remedy as per the directions issued by the Division Bench in the order referred supra.



4. This Criminal Original Petition is disposed of accordingly.

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Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

drm/sms

To

1. The Inspector of Police,
D-3, Podhanur Police Station,
Coimbatore District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.M.N.Balakrishnan, Advocate SR.No.47723

CRL.O.P.No.16880 of 2021

GPL(CO)
GMY(11/10/2021)