

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.18866 OF 2020

R.Kalvikkarasi

...Petitioner

.Vs.

1. The Superintendent of Police
Superintendent Office,
Nagapattinam District.

2. The Sub Inspector of Police
Vaitheeswaran Koil Police Station,
Nagapattinam District.

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register a case upon the petitioner's complaint dated 09.10.2020.

For Petitioner : Mr.K.R.Gunashekar

For Respondents : Mr.M.Mohamed Riyaz
(Crl.Side)
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondents to register the FIR, based on the petitioner's complaint dated 09.10.2020.

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/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Superintendent of Police
Superintendent Office,
Nagapattinam District.
2. The Sub Inspector of Police
Vaitheeswaran Koil Police Station,
Nagapattinam District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.R.Gunashekar, Advocate, S.R.No.117

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SSI (CO)
CS/03/02/2021

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