

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18827 of 2020

M.Bharathi

.. Petitioner

vs.

The State of Tamilnadu
rep.by
The Inspector of Police,
R-7, K.K.Nagar Police Station,
Chennai 600 078.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register FIR on the petitioner's complaint dated 31.12.2020 for which CSR No.1/2020 dated 02.01.2020.

For Petitioner : M/s.Chennai Law Associates

For Respondent : Mr.M.Mohamed Riyaz
(Crl.Side)

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent police to register FIR based on the petitioner's complaint dt.31.12.2019 in CSR No.1/2020 dt.02.01.2020.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

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.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

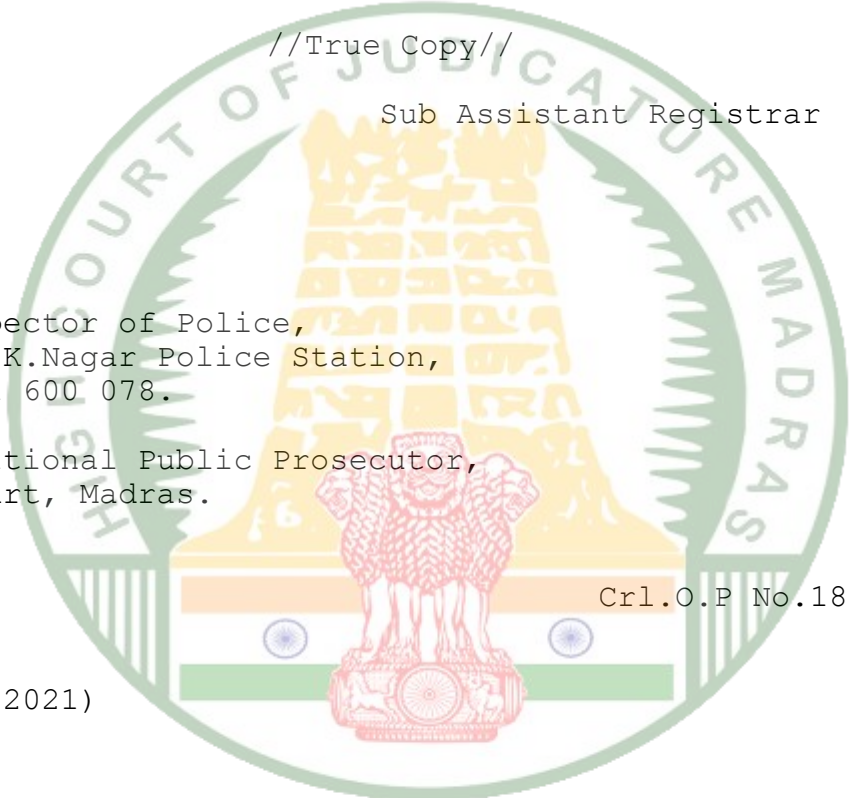
KP

To

- 1.The Inspector of Police,
R-7, K.K.Nagar Police Station,
Chennai 600 078.
- 2.The Additional Public Prosecutor,
High Court, Madras.

Crl.O.P No.18827 of 2020

RSI (CO)
RMP (25/01/2021)

The seal of the High Court of Judicature Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is set against a background of a green and white striped field. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green arc around the top of the emblem. At the bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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