

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.18897 of 2020

Nancy Ananthi,
W/o.Sanket Patil.

...Petitioner

.Vs.

1.The Superintendent of Police,
Krishnagiri District Police,
Krishngiri,
Krishnagiri District.

2.The Inspector of Police,
Hosur Police Station,
Hosur,
Krishnagiri District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent police to take necessary action on the basis of the complaint dated 07.09.2020 pending before him.

For Petitioner : Mr.P.Wellington

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent Police to take necessary action on the basis of the complaint dated 07.09.2020, pending before him.

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.

This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.1.The Superintendent of Police,
Krishnagiri District Police,
Krishngiri,
Krishnagiri District.

2.The Inspector of Police,
Hosur Police Station,
Hosur,
Krishnagiri District.

3.The Public Prosecutor,
High Court, Madras.

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EV(CO)
GN(11/02/2021)

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