



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.23064 OF 2021

Santhanam Ammal

... Petitioner

Versus

1. The Superintendent of Police,
Kallakurichi District,
Kallakurichi.
2. The Inspector of Police,
Pagandai Kootusalai Police Station,
Kallakurichi District.

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to register FIR or appropriate action based on the complaint dated 12.08.2021, for suppressing the real fact and obtain an order from this Court in W.P.No.10276 of 2021 dated 29.06.2021.

For Petitioner : Ms.V.Chellammal

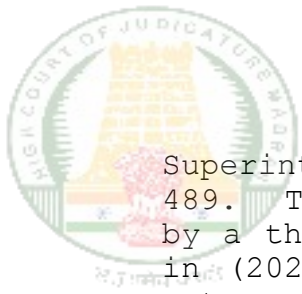
For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor

O R D E R

This Writ Petition is filed to direct the respondents to register FIR or appropriate action based on the complaint dated 12.08.2021, for suppressing the real fact and obtain an order from this Court in W.P.No.10276 of 2021 dated 29.06.2021.

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 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.

4.This Writ Petition is disposed of accordingly. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Kallakurichi District,
Kallakurichi.
- 2.The Inspector of Police,
Pagandai Kootusalai Police Station,
Kallakurichi District.
- 3.The Public Prosecutor
High Court, Madras.

+1cc to Ms.V.Chellammal, Advocate, S.R.No.56055

+1cc to Mr.J.Ashok, Advocate, S.R.No.55499

W.P.No.23064 of 2021

DMK(CO)

PM/12/11/2021