



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18672 of 2021

1. N.Sundari
2. Arivuselvan ... Petitioners

Versus

1. The Superintendent of Police,
Chengalpattu District,
Chengalpattu.
2. The Deputy Superintendent of Police,
Vandaloor Zone, Vandalur,
Guduvanchery, Chengalpattu District.
3. The Inspector of Police,
H-2, Guduvancherry, police station,
Guduvancherry, Chengalpattu District. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to direct the 3rd respondent police to conduct enquiry in connection with the petitioner complaint dated 29.04.2021 and 19.08.2021 and consequently take action as per law against the accused persons.

For Petitioner : Mr.B.Sridhar
For Respondents : Mr.R.Vinothraja,
Government Advocate (crl.side)

ORDER

This petition has been filed to direct the respondents Police to register a case based on the petitioners' complaint dated 29.04.2021 followed by 19.08.2021.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (crl.side) 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 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.

Sd/-

Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Superintendent of Police,
Chengalpattu District,
Chengalpattu.
2. The Deputy Superintendent of Police,
Vandaloor Zone, Vandalur,
Guduvanchery, Chengalpattu District.
3. The Inspector of Police,
H-2, Guduvancherry, police station,
Guduvancherry, Chengalpattu District.
4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.18672 of 2021

RLD (CO)

K.RK. (02.11.2021)