

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P. No.19936 of 2020

MALATHI

..Petitioner

.vs.

STATE BY

THE INSPECTOR OF POLICE (AWPS)
THIRUMANGALAM POLICE STATION
ANNA NAGAR.

..Respondent

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the respondent to register a case on the complaint given by the petitioner dated 14.03.2020 in CSR No.104/2020 and to proceed with investigation according to law.

For Petitioner : Mr.M.P.Rajavelayutham

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

ORDER

This petition has been filed to direct the respondent to register a case on the complaint given by the petitioner dated 14.03.2020 in CSR No.104/2020 and to proceed with investigation according to law.

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.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

mra
To

Sub Assistant Registrar

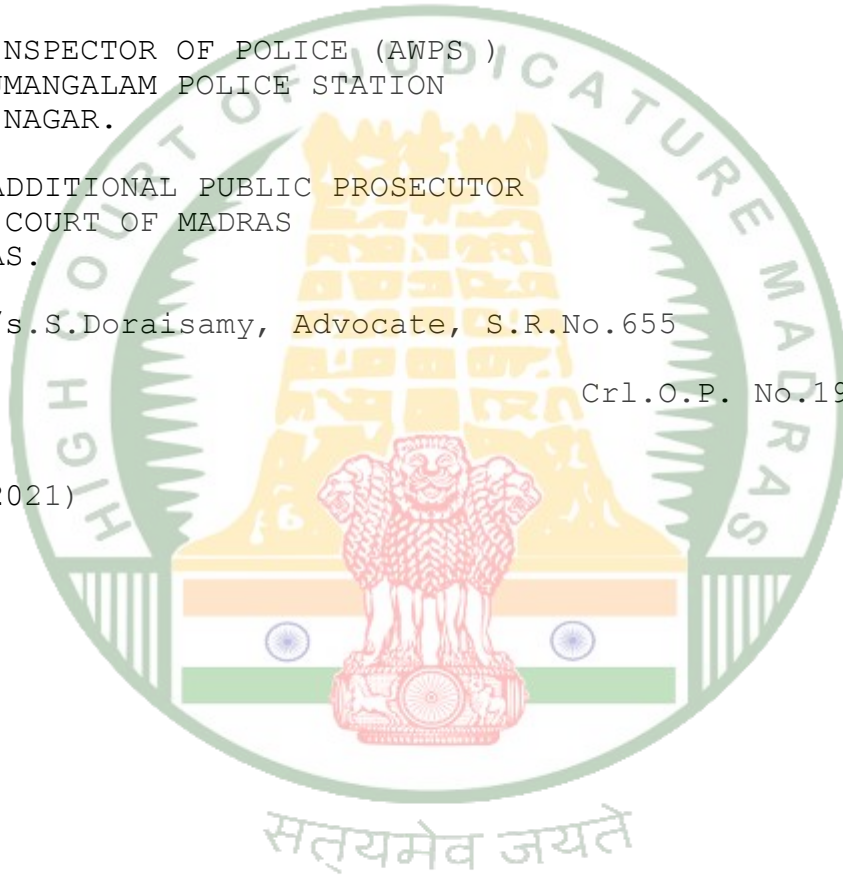
1. THE INSPECTOR OF POLICE (AWPS)
THIRUMANGALAM POLICE STATION
ANNA NAGAR.

2. THE ADDITIONAL PUBLIC PROSECUTOR
HIGH COURT OF MADRAS
MADRAS.

+1cc to M/s.S.Doraisamy, Advocate, S.R.No.655

Crl.O.P. No.19936 of 2020

rr(CO)
rv(02/02/2021)



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