

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P. No.19998 of 2020

P.KAVERIAMMAL

..Petitioner

.vs.

1. STATE REP. BY
THE COMMISSIONER OF POLICE
GREATER CHENNAI CITY POLICE
VEPERY, CHENNAI-600 007.
2. DEPUTY COMMISSIONER OF POLICE
PULIANTHOPE POLICE DISTRICT
OTTERI , CHENNAI- 600 012.
3. THE INSPECTOR OF POLICE
K-5, PERAVALLUR POLICE STATION
CHENNAI-600 082.

..Respondents

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent to register the F.I.R on the basis of the complaint dated 02/12/2020 pending before him.

For Petitioner : Mr.F.Wellington

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

ORDER

This petition has been filed to direct the 3rd respondent to register the F.I.R on the basis of the complaint dated 02/12/2020 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.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

To

1. THE COMMISSIONER OF POLICE
GREATER CHENNAI CITY POLICE
VEPERY, CHENNAI-600 007.
2. DEPUTY COMMISSIONER OF POLICE
PULIANTHOPE POLICE DISTRICT
OTTERI , CHENNAI- 600 012.
3. THE INSPECTOR OF POLICE
K-5, PERAVALLUR POLICE STATION
CHENNAI-600 082.
4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CrI.O.P. No.19998 of 2020

rr ii (25/01/2021)