



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18997 of 2021

1.Maheswari

2.Vijayalakshmi

... Petitioners

Versus

1.The Commissioner of Police,
Salem.

2.The Inspector of Police,
Anti Land Grabbing Special Cell,
Salem.

3.The Inspector of Police,
Pallapatti Police Station,
Salem.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to register the complaint dated 21.09.2020 in CSR.No.80 of 2021 on the file of the second respondent.

For Petitioners : Mr.R.Ezhilarasan

For Respondents : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the second respondent to register the complaint dated 21.09.2020 in CSR.No.80 of 2021 on the file of the second respondent.

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 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 petitioners to workout their 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-CCC)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Commissioner of Police,
Salem.
- 2.The Inspector of Police,
Anti Land Grabbing Special Cell,
Salem.
- 3.The Inspector of Police,
Pallapatti Police Station,
Salem.
- 4.The Public Prosecutor
High Court, Madras.

CRL.O.P.No.18997 of 2021

CP(CO)
B.VC (29/10/2021)