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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.19059 of 2021

Mahalakshmi

... Petitioner

Versus

1.The Superintendent of Police,
Office of the Superintendent of Police,
Vellore District,
Vellore.

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vellore District,
Vellore.

3.The Inspector of Police,
Bagayam Police Station,
Vellore District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent to register a case on the petitioner's complaint dated 04.01.2021 and file a FIR.

For Petitioner : Mr.G.Anbuchezhian

For Respondents : Mr.R.Vinoth Raja
Government Advocate (Cr1.Side)

ORDER

This petition has been filed to direct the third respondent to register a case on the petitioner's complaint dated 04.01.2021 and file a FIR.



2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing on behalf of the respondents.

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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 her 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-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Vellore District,
Vellore.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vellore District,
Vellore.



3.The Inspector of Police,
Bagayam Police Station,
Vellore District.

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4.The Public Prosecutor
High Court, Madras.

CRL.O.P.No.19059 of 2021

CP(CO)
SB(01/11/2021)