

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.20083 of 2020

Margret Santha Devi

...Petitioner

vs.

1. The State,
Rep. By Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai - 600 040.
2. Arulraj
Proprietor of Madha Academy Institute,
having office at No.128/18A,
2nd Floor Emerald Flat,
Thirumangalam, Chennai 40.
3. V.Janakiraman

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent herein to take further action based on the petitioner's complaint dated 12.01.2020.

For Petitioner : Mr.R.Rajesh Kumar

For Respondent : Mr.Mohammed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the first respondent Police to take further action based on the petitioner's complaint dated 12.01.2020.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the first 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 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 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

//True Copy//

Sub Assistant Registrar

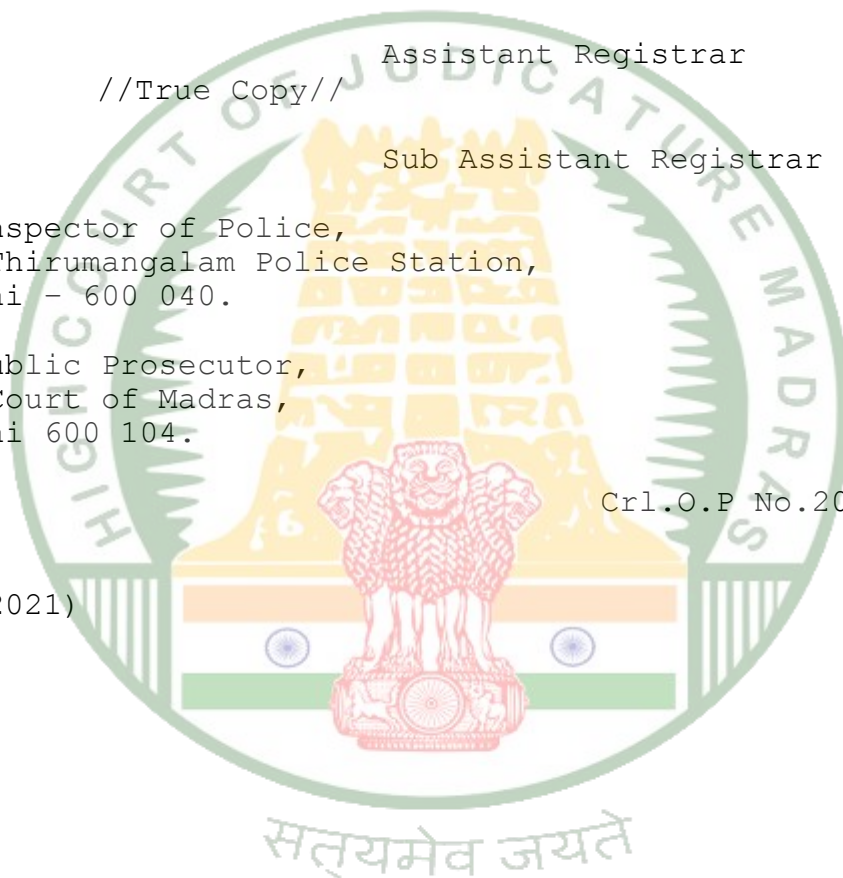
jv
To

1. The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai - 600 040.

2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

Crl.O.P No.20083 of 2020

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