



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.19004 of 2021

A.Gunasundari

... Petitioner

Versus

State by

1.The Superintendent of Police,
Erode District,
Erode.

2.The Inspector of Police,
Perundurai Police Station,
Perundurai,
Erode District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue directions, directing the second respondent police to register FIR against the named said persons on the basis of the complaint lodged by the petitioner on 28.09.2021.

For Petitioner : Mr.C.Prakasam

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

ORDER

This petition has been filed to issue directions, directing the second respondent police to register FIR against the named said persons on the basis of the complaint lodged by the petitioner on 28.09.2021.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1.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 Cr1 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,
Erode District,
Erode.

2.The Inspector of Police,
Perundurai Police Station,
Perundurai,
Erode District.

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.54044

CRL.O.P.No.19004 of 2021

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