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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.19047 OF 2021

D.Jayanthi

... Petitioner

Versus

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
2. The Deputy Superintendent of Police,
Anti Land Grabbing Cell,
District Crime Branch,
Kancheepuram.
3. The Inspector of Police,
Anti Land Grabbing Cell,
District Crime Branch Police,
Kancheepuram.

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent police to register FIR on the basis of the complaint given by the petitioner to the first respondent on 16.07.2019 and investigate the matter in accordance with law.

For Petitioner : Mr.K.Duraimurugan

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

O R D E R

This petition has been filed to direct the third respondent police to register FIR on the basis of the complaint given by the petitioner to the first respondent on 16.07.2019 and investigate the matter in accordance with law.



2. Heard the learned counsel for the petitioner 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 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

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To

1. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
2. The Deputy Superintendent of Police,
Anti Land Grabbing Cell,
District Crime Branch,
Kancheepuram.
3. The Inspector of Police,
Anti Land Grabbing Cell,
District Crime Branch Police,
Kancheepuram.



4. The Public Prosecutor
High Court, Madras.

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+1cc to Mr.K.Duraimurugan, Advocate, S.R.No.54341

CRL.O.P.No.19047 of 2021

CP (CO)
PM/29/10/2021