



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20850 of 2021

Aysha Banu

... Petitioner

Vs.

1.The State Rep by its
The Deputy Superintendent of Police,
Office of the Deputy Superintendent,
Thiruthuraipoondi

2.The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruthuraipoondi.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent police to register an FIR based on the complaint dated 02.09.2021 in CSR No.572 of 2021 made by the petitioner.

For Petitioner : Mr.C.Mohammed Aseef

For Respondents : Mr.R.Vinothraja
Government Advocate [Crl. Side]

O R D E R

This Criminal Original Petition has been filed to direct the second respondent police to register an FIR based on the complaint dated 02.09.2021 in CSR No.572 of 2021 made by the petitioner.

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

3. This petition is not maintainable, in view of the Order passed by the 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

//True Copy//

Sub Assistant Registrar

rgi

To

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent,
Thiruthuraipoondi

2.The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruthuraipoondi.

3.The Public Prosecutor
High Court, Madras.

+1cc to Mr.Mohammed Aseef, Advocate SR. No.59739

CRL.O.P.No.20850 of 2021

PCH (CO)

PR (29/11/2021)