



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.20239 OF 2021

Uma Sankari

... Petitioner

Versus

1. The Superintendent of Police,
District Police Office,
Kallakurichi.

2. The State Rep. by
Inspector of Police,
All Women Police Station,
Ulundurpet,
Kallakurichi District.

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to register the petitioner's complaint dated 28.08.2021 vide CSR No.254 of 2021 and filing FIR.

For Petitioner : Mr.T.Senthilnathan

For Respondents : Mr.R.Vinothraja
Government Advocate
[Cr1. Side]

O R D E R

This Criminal Original Petition has been filed to direct the second respondent to register the petitioner's complaint dated 28.08.2021 vide CSR No.254 of 2021 and filing FIR.

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 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(CS IV)

//True Copy//

Sub Assistant Registrar

drm/ah

To

1. The Superintendent of Police,
District Police Office,
Kallakurichi.
2. The Inspector of Police,
All Women Police Station,
Ulundurpet,
Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Shankar, Advocate, S.R.No.56935

CRL.O.P.NO.20239 OF 2021

KG(CO)
PBS/17/11/2021