

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.20803 of 2020

K.Selvi

.. Petitioner/Defacto
Complainant

.vs.

1. The State of Tamil Nadu,
Represented by Commissioner of Police,
Greater Chennai, No.132,
Commissioner Office Building,
E.V.K.Sampath Road, Vepery,
Periamet, Chennai - 600 007.
 2. The Superintendent of Police,
Kancheepuram,
Collectorate Office Complex,
Kancheepuram District.
 3. The Inspector of Police,
T-13, Kundrathur Police Station,
Chennai - 600 069.
- ..Respondents/
Complainants

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd Respondent/Complainant to register the case on the basis of the Petitioner/ defacto complainant's complaint dated 06.03.2018 in CSR No.331/2018 dated 06.03.2018, on the file of the 3rd Respondent herein.

For Petitioner : Mr.S.Vijay Anand

For Respondents: Mr.M.Mohamed Riyaz, (Crl.Side)
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 3rd Respondent/Complainant to register the case on the basis of the Petitioner/ defacto complainant's complaint dated 06.03.2018 in

CSR No.331/2018 dated 06.03.2018, on the file of the 3rd Respondent herein.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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 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 his remedy as per the directions issued by the Division Bench in the order referred supra.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Commissioner of Police,
Greater Chennai, No.132,
Commissioner Office Building,
E.V.K.Sampath Road, Vepery,
Periamet, Chennai - 600 007.
2. The Superintendent of Police,
Kancheepuram,
Collectorate Office Complex,
Kancheepuram District.

3.The Inspector of Police,
T-13, Kundrathur Police Station,
Chennai - 600 069.

4.The Public Prosecutor,
High Court of Madras,
Madras.

+2ccs to MR.S.Vijaya Anand, Advocate, Sr.No. 136

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SSN(CO)
RMP(22/01/2021)



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