

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

Crl.O.P.No.20788 of 2020

K.Parvathi

.. Petitioner

.vs.

1.State Rep. By ... Respondents
The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2.The Inspector of Police,
All Women Police Station,
Pennagaram,
Dharmapuri District.

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd Respondent to register a case based on the petitioner's complaint dated 30.11.2019 vide C.S.R.No.24/19 and to investigate the same in accordance with law.

For Petitioner : Mr.K.Gandhi Kumar

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

ORDER

This petition has been filed to direct the 2nd Respondent to register a case based on the petitioner's complaint dated 30.11.2019 vide C.S.R.No.24/19 and to investigate the same in accordance with law.

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 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 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 (CS III)

// True Copy //

Sub Assistant Registrar

ssr

To

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

2.The Inspector of Police,
All Women Police Station,
Pennagaram,
Dharmapuri District.

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

+1 C.C. to M/S.K.GANDHIKUMAR, Advocate SR.NO.957/2021.

सत्यमेव जयते

Cr1.O.P.No.20788 of 2020

SSV (CO)

UMY (11.02.2021)

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