



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.20830 of 2021

Shozhi @ Balagejam

... Petitioner

Versus

1.The Commissioner of Police,
No. 132, EVK Sampath Road,
Vepery, Periyamet,
Chennai,
Tamil Nadu 600 007.

2.The State Rep. By
The Inspector of Police,
206, Nehru Bazar Road,
Vivekananda Nagar,
TNHB Mig V Block,
Avadi,
Tamil Nadu 600 054.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register FIR against the accused persons 1. Vijaya, 2. Madhavan, 3. Prabakaran based on the complaint dated 09.02.2021 to conduct enquiry and investigate the same in accordance with law.

For Petitioner : Mr.R.Prabhakaran

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

O R D E R

This Criminal Original Petition has been filed to direct the respondent police to register FIR against the accused persons 1. Vijaya, 2. Madhavan, 3. Prabakaran based on the complaint dated 09.02.2021 to conduct enquiry and investigate the same in accordance with law.

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 (CS-IX)

//True Copy//

Sub Assistant Registrar

rgi

To

1.The Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Periyamet,
Chennai,
Tamil Nadu 600 007.

2.The Inspector of Police,
206, Nehru Bazar Road,
Vivekananda Nagar,
TNHB Mig V Block,
Avadi,
Tamil Nadu 600 054.

3.The Public Prosecutor
High Court, Madras.

CRL.O.P.No.20830 of 2021

GPL (CO)
PR (01/12/2021)