



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.20375 OF 2021

Syed Ali Fathima

... Petitioner

Versus

State Rep.by

1. The Commissioner of Police
Greater Chennai Police
Vepery, Chennai 600 007.

2. The Inspector of Police
Madipakkam Police Station
Chennai 600 117.

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to register the complaint dated 20.04.2021 and investigate the same in accordance with law.

For Petitioner : Mr.D.Bharathy

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to direct the second respondent to register the complaint dated 20.04.2021 and investigate the same in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor on behalf of the respondent.

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 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

dna

To

1. The Commissioner of Police
Greater Chennai Police
Vepery, Chennai 600 007.
2. The Inspector of Police
Madipakkam Police Station
Chennai 600 117.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.20375 of 2021

BR(CO)
PM/29/11/2021