



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.20369 of 2021

Kanmani

... Petitioner

Versus

State by All Women Police Station
Poonamallee.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register an FIR pursuant the complaint given by the petitioner dated 17.07.2021.

For Petitioner : Mr.V.V.Sairam

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent to register an FIR pursuant the complaint given by the petitioner dated 17.07.2021.

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 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 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-V)

//True Copy//

Sub Assistant Registrar

dna

To

1. The All Women Police Station
Poonamallee.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.20369 of 2021

SS(CO)
SU(09/12/2021)