



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.21217 of 2021

Nirmala

...Petitioner

Vs.

1. The State Rep. By,
The Superintendent of Police,
Villupuram,
Villupuram District.

2. The State Rep. By
The Inspector of Police,
Valathi Police Station,
Villupuram District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to register the petitioner complaint on the basis of the complaint given by the petitioner dated 19.09.2021 and consequently to direct the first respondent to supervise the investigation.

For Petitioner : Mr.D. Arun

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

O R D E R

This Criminal Original Petition has been filed to direct the second respondent to register the petitioner complain on the basis of the complaint given by the petitioner dated 19.09.2021 and consequently to direct the first respondent to supervise the investigation.

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 CrL 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

True Copy//

Sub Assistant Registrar

rgi

To

1. The Superintendent of Police,
Villupuram,
Villupuram District.
2. The Inspector of Police,
Valathi Police Station,
Villupuram District.
3. The Public Prosecutor
High Court, Madras.

CRL.O.P.No.21217 of 2021

PM[co]
NSK 01/12/2021