

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.3394 OF 2022

R.Usha

... Petitioner

.Vs.

The State Represented by
The Inspector of Police,
All Woman Police Station,
Vellore, Vellore District.

... Respondent

PRAYER:-

This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent herein to register the case on the petitioner's complaint dated 13.01.2022 vide CSR No.22 of 2022 and to investigate the same in accordance with law.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.V.Meganathan
Government Advocate
(Criminal side)

ORDER

This Criminal Original Petition has been filed, to direct the respondent herein to register the case on the petitioner's complaint dated 13.01.2022 vide CSR No.22 of 2022 and to investigate the same in accordance with law.

2. Heard both sides and perused the materials available on record.

3. This petition is not maintainable, in view of the Order passed by a Hon'ble 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 his remedy as per the directions issued by the Hon'ble Division Bench in the order referred supra.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

shk/arb

To

1. The Inspector of Police,
All Woman Police Station,
Vellore, Vellore District.
2. The Public Prosecutor,
Madras High Court.

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GPL(CO)
PBS/02/03/2022