



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.3748 of 2022

P.Revathy

...Petitioner

Vs.

1.The Director General of Police,
Directorate General of Police Office,
Dr.Radhakrishnan Road, Mylapore,
Chennai-600 004.

2.The Commissioner of Police,
Commissioner of Police Office,
No.132, E.V.K.Sampath Road,
Vepery, Periyamet,
Chennai - 600 007.

3.The Joint Commissioner of Police,
The Joint Commissioner of Police Officer,
South Zone, Binny Road, Nazarethpuram,
Gandhi Nagar, Chennai - 600 016.

4.Navaneetham

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, seeking direction to the first and third respondents to take action regarding the complaint dated 01.12.2021 given by the petitioner against the 4th respondent for misusing the official position.

For Petitioner : Mr.G.Mohammed Aseef

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

O R D E R

The Writ Petition has been filed seeking direction to the first and third respondents to take action regarding the complaint dated 01.12.2021 given by the petitioner against the 4th respondent for misusing the official position.



2. It is seen that this petition has been filed under Article 226 of Constitution of India, instead of filing under Section 482 of Cr.P.C., to register the complaint dated 01.12.2021

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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 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's 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 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 Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

shk/sai

To

- 1.The Director General of Police,
Directorate General of Police Office,
Dr.Radhakrishnan Road, Mylapore,
Chennai-600 004.
- 2.The Commissioner of Police,
Commissioner of Police Office,
No.132, E.V.K.Sampath Road,
Vepery, Periyamet, Chennai - 600 007.
- 3.The Joint Commissioner of Police,
The Joint Commissioner of Police Officer,
South Zone, Binny Road, Nazarethpuram,
Gandhi Nagar, Chennai - 600 016.
- 4.The Public Prosecutor, High Court of Madras.

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