



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4226 of 2022

Gowri

... Petitioner

Vs

The State,
Rep. by the Inspector of Police,
Thirumullaivoyal Police Station (T-10)
Chennai 600 109.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Respondent to register a FIR on petitioner complaint dated 10.02.2022 and investigate the matter as against the accused as per law.

For Petitioner : Mr.M.Loganathan

For Respondents : Mr.V.Meganathan,
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the Respondent to register a FIR on petitioner complaint dated 10.02.2022 and investigate the matter as against the accused as per law.

2. When the matter is taken up today, Mr.V.Meganathan, learned Government Advocate (criminal side) would submit that on the complaint given by the petitioner dated 10.02.2022, enquiry has been conducted in CSR NO.1012 of 2022 and the same has been closed on 10.02.2022.

3. Heard the learned Government Advocate (criminal side) and perused the materials available on record.

4. 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 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'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.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

shk/sai

To

1. The Inspector of Police,
Thirumullaivoyal Police Station (T-10)
Chennai 600 109.
2. The Public Prosecutor,
Madras High Court,
Madras.

+1cc to Mr.M.Loganathan, Advocate, S.R.No.11781

Cr1.O.P.No.4226 of 2022

RSV[co]
NSK 14/03/2022