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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2022

CORAM:

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL.O.P.NO.4417 OF 2022

Shakila

... Petitioner

.Vs.

The Station House Officer,
All Women's Police Station,
Villianur, Pondicherry.

... Respondent

PRAYER:-

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to register a First Information Report on the basis of complaint given by the petitioner on 22.12.2021 and thus render justice.

For Petitioner : Mr.V.Vasanthakumar

For Respondent : Mr.V.Bala Murugane
Public Prosecutor
(Pondicherry)

O R D E R

This petition is filed seeking direction to the respondent to register First Information Report on the basis of the complaint given by the petitioner on 22.12.2021.

2. This complaint is given by the petitioner against her husband and in-laws alleging that the accused had threatened to do away with the petitioner and also threatened her to vacate the matrimonial home. These allegations are made among other allegations. Since no action was taken by the All Women's Police Station, Villianur, Pondicherry, the petitioner has given complaint to Superintendent of Police on 30.12.2021.

3. Learned Additional Public Prosecutor appearing for the respondent submitted that the whereabouts/residence of the



petitioner's husband is not known. This being the matrimonial dispute, there is no coercive action taken so far.

4. Considered the rival submission.

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5. It is the settled proposition of law that this Court cannot issue any direction for registration of FIR in exercise of its jurisdiction under Section 482 of Cr.P.C.

6. 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'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 her remedy as per the directions issued by the Hon'ble Division Bench in the order referred supra.

7. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Station House Officer,
All Women's Police Station,
Villianur, Pondicherry.
2. The Public Prosecutor,
Madras High Court,
Madras.

CRL.O.P.NO.4417 OF 2022

GPL(CO)
PBS/15/03/2022