



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.4970 of 2022

Inthupriya

... Petitioner

Versus

1.The Commissioner of Police,
Salem City, Salem.

2.The Inspector of Police,
All Women Police Station,
Ammapettai, Salem.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the second respondent to register the petitioner's complaint dated 23.02.2022 vide C.S.R. No.69 of 2022 on the file of the second respondent and investigate the same in accordance with law.

For Petitioner : Mr.A.G.Narashiman

For R1 & R2 : Mr.A.Gokulakrishnan,
Additional Public Prosecutor.

O R D E R

This Writ Petition has been filed seeking a direction to direct the second respondent to register an First Information Report (FIR) against the accused persons mentioned in the complaint given by the petitioner.

2.Heard the learned counsel 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 Vs. 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 the case of M.Subramaniam Vs. S.Janaki reported in (2020) 5 CTC 464, after relying upon Sakiri Vasu Case, had categorically held that the High Court cannot issue any direction for registration of the First Information Report (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 Hon'ble Division Bench in the order referred supra.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

klt

To

1.The Commissioner of Police,
Salem City, Salem.

2.The Inspector of Police,
All Women Police Station,
Ammapettai, Salem.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.A.G.Narasimhan, Advocate, S.R.No.14789

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MT(CO)
SB(23/03/2022)