



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.5259 OF 2022

V.Kalaiselvi

...Petitioner

-Vs-

1. The District Superintendent of Police,
Thiruvannamalai District - 606 604.
2. The Deputy Superintendent of Police,
Vandavasi, Thiruvannamalai District.
3. State by
The Inspector of Police,
Ponnur Police Station,
Thiruvannamalai District.

..Respondents

Prayer :

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to direct the 3rd respondent herein to register the FIR based on complaint dated 12.01.2022 given by the petitioner given before the Ponnur Police Station.

For Petitioner : Mr.M.Murugan

For Respondent : Mr.V.Meghanathan
Government Advocate (Crl.Side)

O R D E R

This petition has been filed seeking direction to the 3rd respondent to register the FIR based on the complaint dated 12.01.2022 given by the petitioner given before the Ponnur Police Station.

2.Heard the learned Counsel for the petitioner and learned Government Advocate (Crl.Side) for the respondents.



3. When the matter is taken up today, the learned Government Advocate (Crl.Side) would submit that earlier on 12.01.2022 the husband of the petitioner Viswanathan had given a complaint stating that his daughter Monisha who was studying B.Com, Ist year in Akilandeswari Women College was found missing. Based on the complaint given by the husband of the petitioner, a case in Cr.No.5/2022 was registered under the caption 'girl missing'.

4. On the next day the daughter of the petitioner was secured and on enquiry she had informed that since her parents were constantly shouting at her on account of her continuous use of mobile phone. she had left the house on 12.01.2022 and gone to Tirupathi. Thereafter, she had come back to her house and also stated that she was not kidnapped or compelled by anybody. Thereafter, the girl was handed over to the husband of the petitioner. He would further submit that the girl was born on 07.02.2004 and once again, after attaining majority she had left the parental house on 08.02.2022. He would further submit that the respondent has not registered any case based on the complaint dated 14.02.2022 given by the petitioner to the first respondent.

5. This petition is not maintainable, in view of the Order passed by a 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 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 Division Bench in the order referred supra.

6. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jas/tsh



To

1. The District Superintendent of Police,
Thiruvannamalai District - 606 604.
2. The Deputy Superintendent of Police,
Vandavasi, Thiruvannamalai District.
3. The Inspector of Police,
Ponnur Police Station,
Thiruvannamalai District.
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.5259 of 2022

SKM(CO)
PM/30/03/2022