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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2022

CORAM

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL.O.P.NO.6906 OF 2022

T.Devaki

...Petitioner

Vs.

State by

The Director of Vigilance and Anti - Corruption,
(DVAC), No.293, M.K.N. Road,
Alandhur, Chennai - 600 016.

...Respondent

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, directing the respondent police to register FIR against the named said persons on the basis of the complaint lodged by the petitioner on 31.01.2022.

For Petitioner : M/s.R.Hemalatha

For Respondent : Mr.E.Raj Thilak,
Additional Public Prosecutor

O R D E R

This petition is filed seeking a direction to the respondent police to register FIR against the named person on the basis of the complaint lodged by the petitioner on 30.01.2022.

2. Learned counsel for the petitioner submitted that there are other officials of Nangavalli Primary Agricultural Cooperative Credit Society, who had involved in the alleged offence and it may not be possible for the petitioner's husband alone to commit any such offence alleged against him. However, the respondent police is prosecuting petitioner's husband alone leaving the other officials. Therefore, this petition seeking a direction.

3. Learned Additional Public Prosecutor submitted that petitioner's complaint had been forwarded to the concerned authority for appropriate action.



4. It is a settled proposition of law that the Courts under Section 482 of Cr.P.C., cannot issue direction to register FIR. 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.

5. In view of the submission of the learned Additional Public Prosecutor that the complaint of the petitioner had been forwarded to concerned authority, the concerned authority is directed to follow the directions issued by the Hon'ble Supreme Court in Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)] and take action in the manner known to law.

6. Accordingly, this petition is disposed of.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

AT

To

1.The Director of Vigilance and Anti - Corruption,
(DVAC), No.293, M.K.N. Road,
Alandhur, Chennai - 600 016.

2.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.6906 of 2022

SKM(CO)
RVM(08/04/2022)