



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.7720 of 2022

P.K.Prabavathy ... Petitioner/Defacto Complainant

Vs.

1.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Mambalam, Chennai.

2.The Inspector of Police,
Office of the Inspector of Police,
R-4, Pondy Bazaar Police Station,
T.Nagar, Chennai.

...Respondents/Complainants

PRAYER: The Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the second respondent to register the case in view of the petitioner's complaint dated 03.01.2022 in view of the CSR No.10 of 2022 on the file of the second respondent and followed by representation made by the petitioner on 01.03.2022 and file final report within stipulated time.

For Petitioner : Mr.S.Arivazhagan

For Respondents : Mr.V.Meganathan,
Government Advocate
(criminal side)

O R D E R

The Criminal Original Petition has been filed seeking for a direction to the second respondent to register the case in view of the petitioner's complaint dated 03.01.2022 and CSR No.10 of 2022 on the file of the second respondent and followed by representation made by the petitioner on 01.03.2022 and file the final report.



2. Heard the learned counsel for the petitioner and the learned Government Advocate (criminal side) 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 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 his 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

// TRUE COPY //

SUB ASSISTANT REGISTRAR

shk/sai
To

1.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Mambalam, Chennai.

2.The Inspector of Police,
Office of the Inspector of Police,
R-4, Pondy Bazaar Police Station,
T.Nagar, Chennai.

3.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.7720 of 2022

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srg 19/04/2022