



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.7996 of 2022

Safeehuna

... Petitioner

Vs.

1.The Assistant Commissioner,
H-8, Thiruvottiyur Police Station,
Chennai 600 019.

2.State Rep. by
The Inspector of Police,
All Women Police Station,
Thiruvottiyur, Chennai 600 019.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd Respondent to enquire and register the petitioner's complaint dated 03.08.2021 in CSR.No.182/2021 and file an FIR against the petitioner's husband and in laws in accordance to law.

For Petitioner : Mr.R.Abdul Mubeen

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

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the 2nd Respondent to enquire and register the petitioner's complaint dated 03.08.2021 in CSR.No.182/2021 and file FIR against the petitioner's husband and in-laws.

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 Crl 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(CS IV)

//True Copy//

Sub Assistant Registrar

sai/sli
To

1.The Assistant Commissioner,
H-8, Thiruvottiyur Police Station,
Chennai 600 019.

2. The Inspector of Police,
All Women Police Station,
Thiruvottiyur, Chennai 600 019.

3.The Public Prosecutor,
High Court of Madras.

+1 cc to Mr.R.Abdul Mubeen, Advocate Sr.NO. 23950

Cr1.O.P.No.7996 of 2022

NMI (CO)
A.SK(19/04/2022)