



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.9642 OF 2022

Punitha

... Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai,
Chennai - 600 007.

2. The Inspector of Police,
Central Crime Branch,
EDF-II, Team-III,
Vepery, Chennai - 600 007.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to register the case based on the petitioner's complaint dated 01.02.2022 and investigate and file a final report in accordance with law.

For Petitioner : Mr.N.Suriyamuthu

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

ORDER

This Criminal Original Petition has been filed, to direct the respondents to register the case based on the petitioner's complaint dated 01.02.2022 and investigate and file a final report in accordance with law.

2. Heard both sides 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 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 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-III)

//True Copy//

Sub Assistant Registrar

arb

To

1. The Commissioner of Police,
Greater Chennai,
Chennai - 600 007.
2. The Inspector of Police,
Central Crime Branch,
EDF-II, Team-III,
Vepery, Chennai - 600 007.
3. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.9642 of 2022

MT(CO)
RLP(19/05/2022)