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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM:

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

CRL.O.P.NO.24956 OF 2021

Rubini @ F.Daisyrani

... Petitioner

Vs.

The State represented by,

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery,
Chennai - 600007.
2. The Inspector of Police,
R-9, Valasaravakkam Police Station,
Valasaravakkam,
Chennai - 600087.
3. G.Murugesan
(Impleaded by an order dated 09.03.2022
in Crl.M.P.No.2822 of 2022)

...Respondents

PRAYER:

This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to register the FIR on the basis of the complaint given by the petitioner dated 05.12.2021 vide CSR bearing No.628 of 2021 dated 05.12.2021.

For Petitioner	: Mr.B.Govindaprabu
For Respondents 1 & 2	: Mr.A.Gokulakrishnan Additional Public Prosecutor
For Respondent 3 (Impleaded)	: Mr.K.Dhakshnamurthy



O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent to register the FIR on the basis of the complaint given by the petitioner dated 05.12.2021 vide CSR bearing No.628 of 2021 dated 05.12.2021.

2. Heard the learned counsel 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. Accordingly, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS IV)

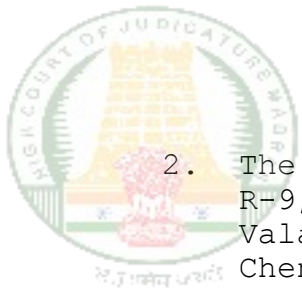
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Sub Assistant Registrar

rgi/ham

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery,
Chennai - 600007.



2. The Inspector of Police,
R-9, Valasaravakkam Police Station,
Valasaravakkam,
Chennai - 600087.

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3. The Public Prosecutor,
Madras High Court.

+1cc to Mr.B.Govindaprabu, Advocate, S.R.No.15767
+1cc to Mr.K.Dhakshnamurthy, Advocate, S.R.No.15824

Crl.O.P.No.24956 of 2021

GPL (CO)
PM/04/04/2022