



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM

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

Cr1.O.P.No.25711 of 2021

Usharani,  
W/o.Baskaran

... Petitioner

Vs

1.The Superintendent of Police,  
Cuddalore District, Cuddalore.

2.The Inspector of Police,  
District Land Grabbing,  
Office of the Superintendent of Police,  
Cuddalore District, Cuddalore.

3.V.Sudarshanan @ Babu,  
S/o.Late Venkatesh Chettiyar

4.V.Sathyanarayanan @ Senthil,  
S/o.Late Venkatesh Chettiyar

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C., direct the second respondent to register a case on the petitioner's complaint dated 22.11.2021 after carrying out a true and proper investigation.

For Petitioner : Mr.R.Thanjan

For Respondents R1&R2 : Mr.V.Meganathan  
Government Advocate(criminal side)

ORDER

This Criminal Original Petition has been filed, to direct the second respondent to register the petitioner's complaint dated 22.11.2021 after carrying out a true and proper investigation.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (criminal side) for the first and second respondents 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 Vs The Superintendent of Police, Thanjavur, reported in (2018) 2 LW Cr1 489. The Hon'ble Supreme Court in its latest judgment rendered by a three Judge Bench in M.Subramaniam Vs 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 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-V)

// True Copy //

Sub Assistant Registrar

arb/rgm

To

- 1.The Superintendent of Police,  
Cuddalore District, Cuddalore.
- 2.The Inspector of Police,  
District Land Grabbing,  
Office of the Superintendent of Police,  
Cuddalore District, Cuddalore.
- 3.The Public Prosecutor,  
High Court of Madras.

+1cc to Mr.Thanjan, Advocate, SR.No.24078

[08/04/2022]

Cr1.O.P.No.25711 of 2021

GSM(CO)  
CB(07/04/2022)