

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. No. 8333 of 2021

K.Bakiyalakshmi

... Petitioner

Versus

1.The Superintendent of Police,
Chengalpet District.

2.State by
The Inspector of Police,
H-2, Guduvancheri Police Station,
Chengalpet District.

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to take further action on the petitioner's complaint dated 10.04.2021 and provide necessary police protection on the file of the respondent.

For Petitioner : Mr.G.Murugendran
For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to direct the 2nd respondent to take further action on the petitioner's complaint dated 10.04.2021 and to provide necessary police protection.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl.side) appearing on behalf of the respondents.

3.This petition is not maintainable, in view of the Order passed by a 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 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 his remedy as per the directions issued by the Division Bench in the order referred supra.

4.This Criminal Original Petition is disposed of accordingly.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

klt

To

1.The Superintendent of Police,
Chengalpet District.

2.The Inspector of Police,
H-2, Guduvancheri Police Station,
Chengalpet District.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr. G. Murugandran, Advocate Sr.26995

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EU 8.6.2021

सत्यमेव जयते

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