

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17541 of 2020

Ganesan

...Petitioner

.Vs.

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

2.State rep. by
Inspector of Police,
City Crime Branch, (CCB),
Tiruppur,
Tiruppur District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the case on the basis of the complaint given by the petitioner dated on 15.09.2020.

For Petitioner : Mr. K.T.S.Sivakumar

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent Police to register an FIR based on the petitioner's complaint dated 15.09.2020, pending on the file of the 2nd respondent police.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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 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 his remedy as per the directions issued by the Division Bench in the order referred supra.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Asst. Registrar

//True Copy//

Sub Asst. Registrar

rm

To

- 1.The District Superintendent of Police,
Tiruppur District,
Tiruppur.
- 2.The Inspector of Police,
City Crime Branch, (CCB),
Tiruppur,
Tiruppur District.
- 3.The Public Prosecutor,
High Court, Madras.

+1 C.C.to MR.K.T.S.SIVAKUMAR, ADVOCATE, SR.NO.306

सत्यमेव जयते

CRL.O.P.No.17541 of 2020

SSN(CO)
VC (22/01/2021)

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