

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.2434 OF 2021

R.Mani

.. Petitioner

Vs.

The State of Tamilnadu
Rep. by the Inspector of Police
Mohanur Police Station
Namakkal District.

.. Respondent

Prayer:

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to register the petitioner's complaint dated 20.11.2020 against P.Moorthy and Parvatham.

For Petitioner : Ms.S.Sasikala

For Respondent : Mr.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents Police to register a case based on the petitioner's complaint dated 20.11.2020, pending on the file of the respondent Police.

2. Heard the learned counsel for the petitioner and the learned Government Additional Public Prosecutor appearing on behalf of the respondent.

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.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Inspector of Police
Mohanur Police Station
Namakkal District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Ms.S.Sasikala, Advocate, S.R.No.79496

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SSN(CO)
CS/12/03/2021



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