

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2261 of 2021

Pavunkumar

.. Petitioner

Vs.

State Represented by

1. The District Superintendent of Police,
District Superintendent of Police Office,
Villupuram District.

2. The Inspector of Police,
Avalurpet Police Station,
Avalurpet,
Villupuram District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to register the case, investigate the matter pertaining to the complaint of the petitioner dated 30.10.2020 given to the respondent police and to deal the said persons in according to law.

For Petitioner : Ms.S.Suseela Devi

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the 2nd respondent to register the case, investigate the matter pertaining to the complaint of the petitioner dated 30.10.2020 given to the respondent police and to deal the said persons in according to law.

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

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.

This Criminal Original Petition is disposed of accordingly.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr
To

1. The District Superintendent of Police,
District Superintendent of Police Office,
Villupuram District.
2. The Inspector of Police,
Avalurpet Police Station,
Avalurpet,
Villupuram District.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to Ms.S.Suseela Devi, Advocate sr 7251.

Cr1.O.P.No.2261 of 2021

GMI (CO)
SP(01/03/2021)

WEB COPY