

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.342 of 2021

P.V.Kesavalu

.. Petitioner

.vs.

The State of Tamil Nadu,
represented by the Inspector of Police
(Law and Order),
K-5, Peravallur Police Station,
Peravallur, Chennai 600 082.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to take further action against the petitioner's complaint dated 21.09.2020 in accordance with law. Within a time frame to be fixed by this Court.

For Petitioner : M/s.Suchit Palande

For Respondent : Mr.C.Raghavan
Govt. Advocate

ORDER

This petition has been filed to direct the respondent to register the FIR based on the complaint dated 21.09.2020 of the petitioner.

2.Heard the learned counsel for the petitioner and the learned

N. ANAND VENKATESH,, J.

msr

Govt. Advocate 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.

11.01.2021

Index : Yes/No

Internet : Yes/No

msr

To

1.The Inspector of Police
(Law and Order),
K-5, Peravallur Police Station,
Peravallur, Chennai 600 082.

2.The Public Prosecutor,
High Court of Madras.

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