

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.528 of 2021

Sri Shivan

.. Petitioner

.vs.

State Rep by
Inspector of Police,
Kalimangalam Police Station,
Dharmapuri District.

.. Respondent

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to issue a direction directing the 2nd respondent to register as FIR based on the complaints dated 04.11.2020 made by the petitioner.

For Petitioner : Mr.G.Mohamed Aseef

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 2nd respondent to register an FIR based on the complaints dated 04.11.2020 made by the petitioner.

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

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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

//True Copy//

Sub Assistant Registrar

mra/ebsi

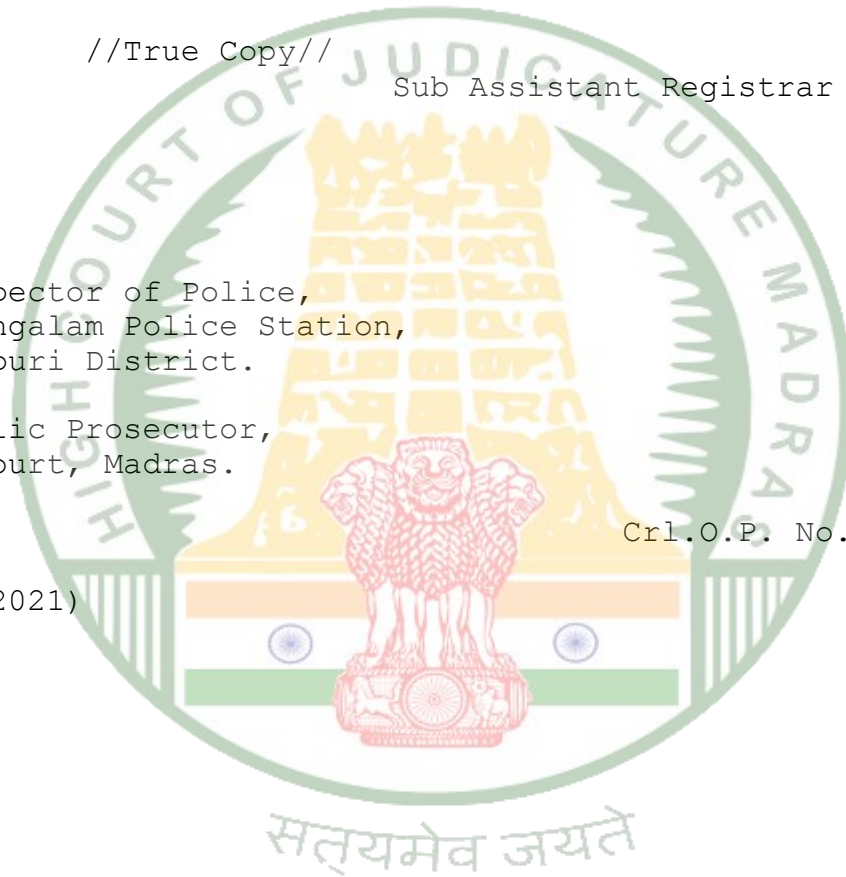
To

1.The Inspector of Police,
Kalimangalam Police Station,
Dharmapuri District.

2.The Public Prosecutor,
High Court, Madras.

SR(CO)
CB(04/02/2021)

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