

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.698 of 2021

S.Duraisamy

... Petitioner

Vs.

State by
The Sub Inspector of Police,
Kaikalathur Police Station,
Kaikalathur, Perambalur District.

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to register FIR against the name said persons on the basis of the complaint lodged by the petitioner on 07.12.2020.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 07.12.2020.

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.

21.01.2021

Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

<https://www.mhc.tn.gov.in/judis/>

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To

1.The Sub Inspector of Police,
Kaikalathur Police Station,
Kaikalathur, Perambalur District.

2.The Public Prosecutor,
Madras High Court.

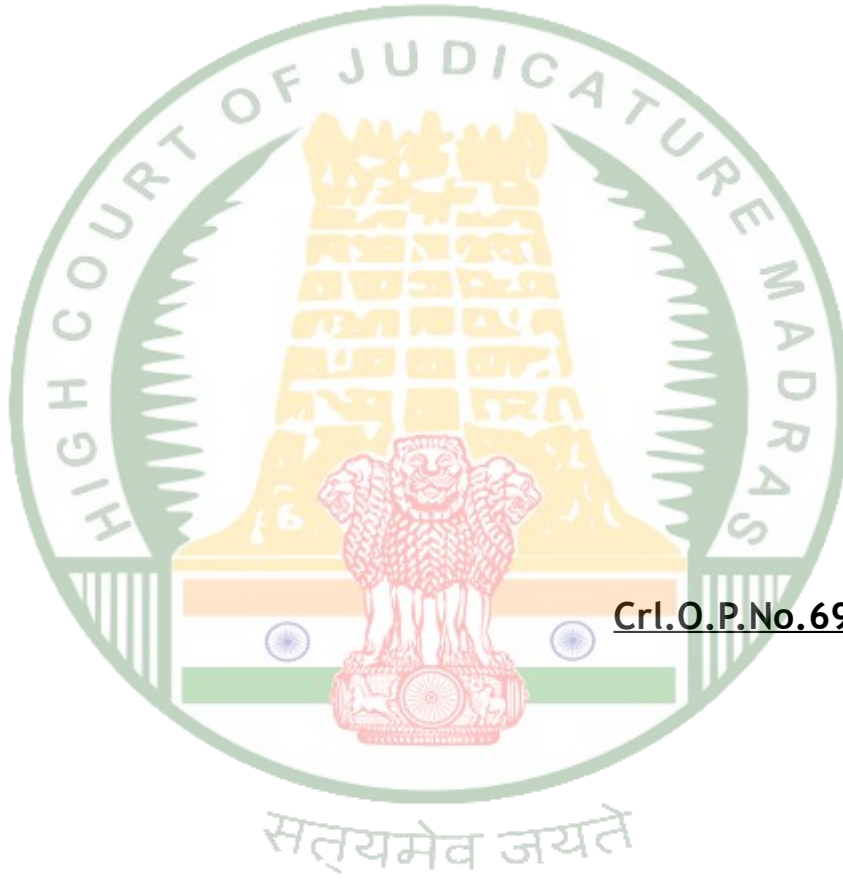


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N.ANAND VENKATESH,J.

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