

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.1022 of 2021

C.Radhakrishnan

Petitioner

vs.

1. The Superintendent of Police,
Krishnagiri District

2. State Rep. By
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent Police to register the complaint dated 10.12.2020 and investigate the same.

For Petitioner : Mr.C.P.Saravanan

For Respondents : Mr.Mohammed Riyaz,
Additional Public Prosecutor

This petition has been filed to direct the respondent Police to register a case based on the petitioner complaint dated 10.12.2020, pending on the file of the respondent Police.

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 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.

27.01.2021

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

1. The Superintendent of Police,
Krishnagiri District
2. State Rep. By
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District
3. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,. J.



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