

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No. 924 of 2021

Mani .. Petitioner/Defacto Complainant

Vs

1.The Superintendent of Police,
Dharmapuri.

2.The State Rep. By
The Inspector of Police,
Morapur Police Station,
Dharmapuri District. .. Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure to direct the second respondent to register the complaint dated 21.12.2020 within a stipulated period of time and to file an FIR.

For Petitioner :Mr.J.Ranjithkumar

For Respondents :Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to direct the second respondent to register the complaint dated 21.12.2020 within a stipulated period of time and to file an FIR.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssr

To

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

A.SK(18.02.2021).

Cr1.O.P.No. 924 of 2021



WEB COPY