

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. 881 of 2021

K.P.Devarajan

.. Petitioner

Vs

The State Rep. By
The Inspector of Police,
Kolathur Police Station,
Kolathur, Salem District.

.. Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure to direct respondent to register a case on the petitioner's complaint in CSR No.224 of 2020 and to proceed with the investigation according to law.

For Petitioner :Mr.M.P.Rajavelayutham

For Respondent :Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to direct respondent to register a case on the petitioner's complaint in CSR No.224 of 2020 and to proceed with the investigation according to law.

2.Heard the learned counsel for the petitioner and the learned Government 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 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-II)

//True Copy//

Sub Assistant Registrar

ssr

To

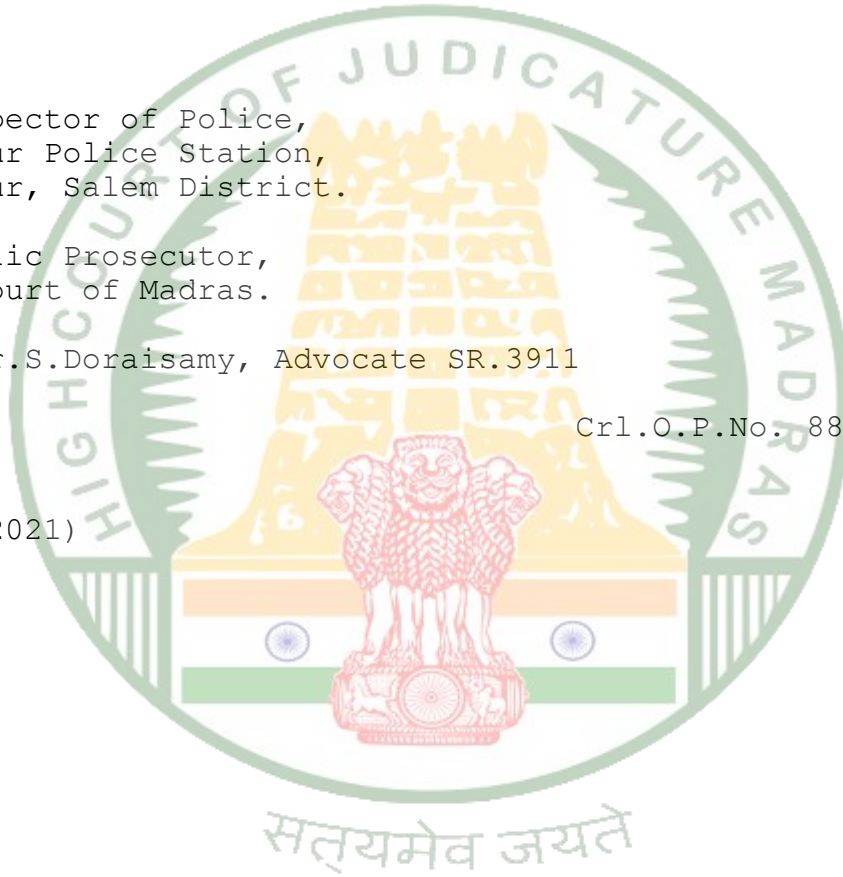
1.The Inspector of Police,
Kolathur Police Station,
Kolathur, Salem District.

2.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Doraisamy, Advocate SR.3911

Cr1.O.P.No. 881 of 2021

SSI (CO)
CB(22/02/2021)



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