IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.2857 of 2021

M.Jothi ... Petitioner

vs.

The State represented by the
The Sub-Inspector of Police,
Arni Taluk Police Station,
Tiruvannamalai District. ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to register the FIR based on the complaint dated 23.12.2020.

For Petitioner : M/s.J.Pavithra

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 2nd respondent Police to register a case based on the petitioner complaint dated 23.12.2020 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

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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 VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Sub-Inspector of Police,
Arni Taluk Police Station,
Tiruvannamalai District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.J.Pavithra, Advocate Sr.9484

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