

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 03.02.2021
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1593 of 2021

Santhiraj

.. Petitioner

Vs.

1. State rep. by
The Superintendent of Police,
Kallakurichi District,
Kallakurichi.

2. The Inspector of Police,
Thirukoyilur Police station,
Kallakurichi District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to appoint any other officer other than the second respondent to enquiry into the petitioner's complaint dated 21.12.2020.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents Police to register a case based on the petitioner's complaint dated 21.12.2020, pending on the file of the first respondent Police.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of respondents Police.

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.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

rli

To

1. State rep. by
The Superintendent of Police,
Kallakurichi District,
Kallakurichi.

2. The Inspector of Police,
Thirukoyilur Police station,
Kallakurichi District.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.R.C.PaulKanagaraj Advocate sr6479

Cr1.O.P.No.1593 of 2021

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