

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.1147 of 2021

M.P.Kandhasamy

Petitioner

vs.

1. The Superintendent of Police,
Salem District,
Nethimedu, Salem.

2. The Sub Inspector of Police,
Nangavalli Police Station,
Salem 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 FIR on the petitioner complaint dated 24.08.2020 to the respondent police and investigate the same in accordance with law.

For Petitioner : Mr.R.Bala Guruswamy

For Respondents : Mr.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner complaint dated 24.08.2020 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 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.

27.01.2021

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

1. The Superintendent of Police,
Salem District,
Nethimedu, Salem.

2. The Sub Inspector of Police,
Nangavalli Police Station,
Salem District.

3. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,. J.
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