

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.02.2021
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.1894 of 2021

S.Selvabalaji

... Petitioner

vs.

State Rep. By
The Inspector of Police,
Gudiyattam Town Police Station,
Gudiyattam, Vellore District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the FIR against the accused persons, based on the complaint dated 09.05.2019 for the offences committed by accused persons.

For Petitioner : Mr.E.D.Sethupathi

For Respondent : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent Police to register the FIR based on the petitioner's complaint dated 09.05.2019, pending on the file of the respondent Police.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor 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.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

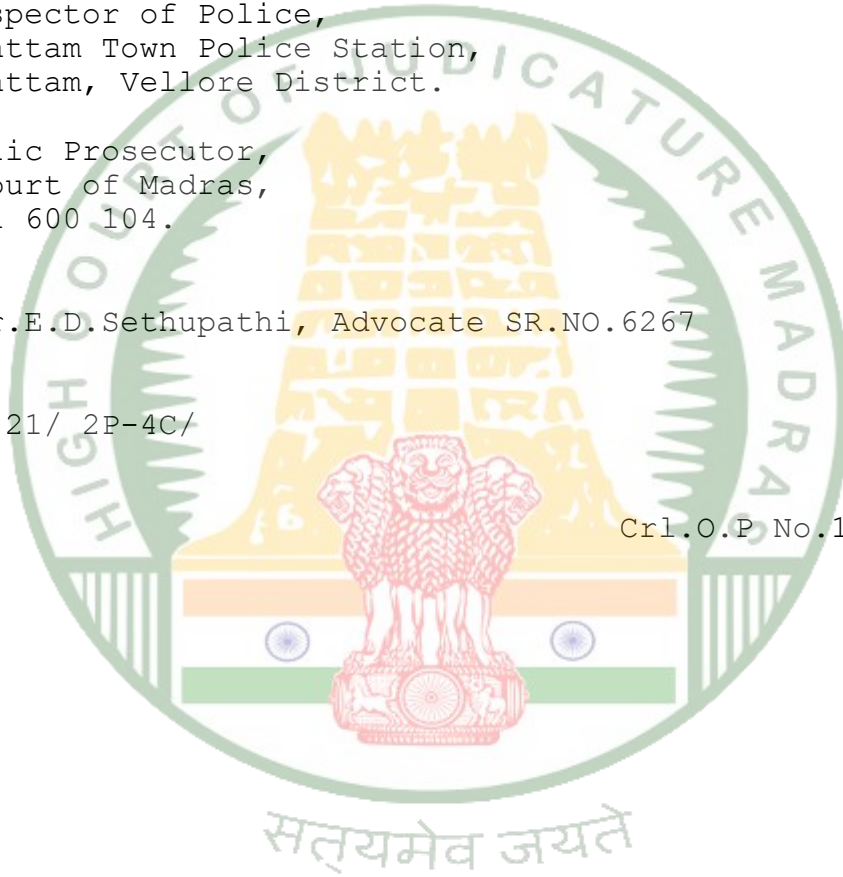
1. The Inspector of Police,
Gudiyattam Town Police Station,
Gudiyattam, Vellore District.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.E.D.Sethupathi, Advocate SR.NO.6267

AKM/25.02.21/ 2P-4C/

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