

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

Crl.O.P.No.1598 of 2021

Nachimuthu

.. Petitioner

Vs.

1. The Commissioner of Police,
District Police Office,
Annadhanapatti,
Salem District.

2. The Assistant Commissioner of Police,
Salem City Crime Branch,
Salem-1.

3. The Sub Inspector of Police,
Central Crime Branch,
Salem Town, Salem.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue suitable directions directing the respondents herein to investigate the complaint pending in C.No.664/ACP/CCB/18 on the file of the 3rd respondent herein in accordance with law and file FIR if a cognizable offence is made out as per the direction of this Court in Crl.OP.No.24357 of 2018 dated 12.10.2018.

For Petitioner : Mr.S.Kaithamalai Kumaran

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 11.08.2018, pending on the file of the third 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 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 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(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
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Annadhanapatti,
Salem District.

2. The Assistant Commissioner of Police,
Salem City Crime Branch,
Salem-1.

3. The Sub Inspector of Police,
Central Crime Branch,
Salem Town, Salem.

4. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.1598 of 2021

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