

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.3664 of 2021

Iyyappan @ Senthil

...Petitioner

vs.

1. The Superintendent of Police,
Thiruvarur District.
Thiruvarur.
 2. The Deputy Superintendent of Police,
Thiruthuraipoondi,
Thiruvarur District.
 3. The Sub Inspector of Police,
Alivalam Police Station,
Alivalam, Thiruthuraipoondi Taluk,
Thiruvarur Distirct.
- ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent to register the FIR on the complaint dated 04.11.2020 of the petitioner.

For Petitioner : Mr.P.Gurunathan

For Respondents : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the third respondent Police to register a case based on the petitioner's complaint dated 04.11.2020, pending on the file of the third respondent Police.

2.Heard the learned counsel appearing 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 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 VII)

/true copy/

Sub Asst. Registrar

jv

To

1. The Superintendent of Police,
Thiruvavarur District.
Thiruvavarur.
2. The Deputy Superintendent of Police,
Thiruthuraipoondi,
Thiruvavarur District.
3. The Sub Inspector of Police,
Alivalam Police Station,
Alivalam, Thiruthuraipoondi Taluk,
Thiruvavarur Distirct.
4. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.P.Gurunathan, Advocate, SR.No.11745

Cr1.O.P No.3664 of 2021

GPL (CO)
KKV/16/03/2021