

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2010 of 2021

Suresh

... Petitioner

Vs.

The Station House Officer,
Thalaivasal Police Station,
Salem District.

.... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue necessary direction to the respondent Police to register a FIR, in accordance with law, by considering the complaint lodged by the petitioner dated 06.12.2020 and vide CSR No.560/20 dated 06.12.2020.

For Petitioner : Mr.K.Shakespeare

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 06.12.2020, 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 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(CS IX)

//True Copy//

Sub Assistant Registrar

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To

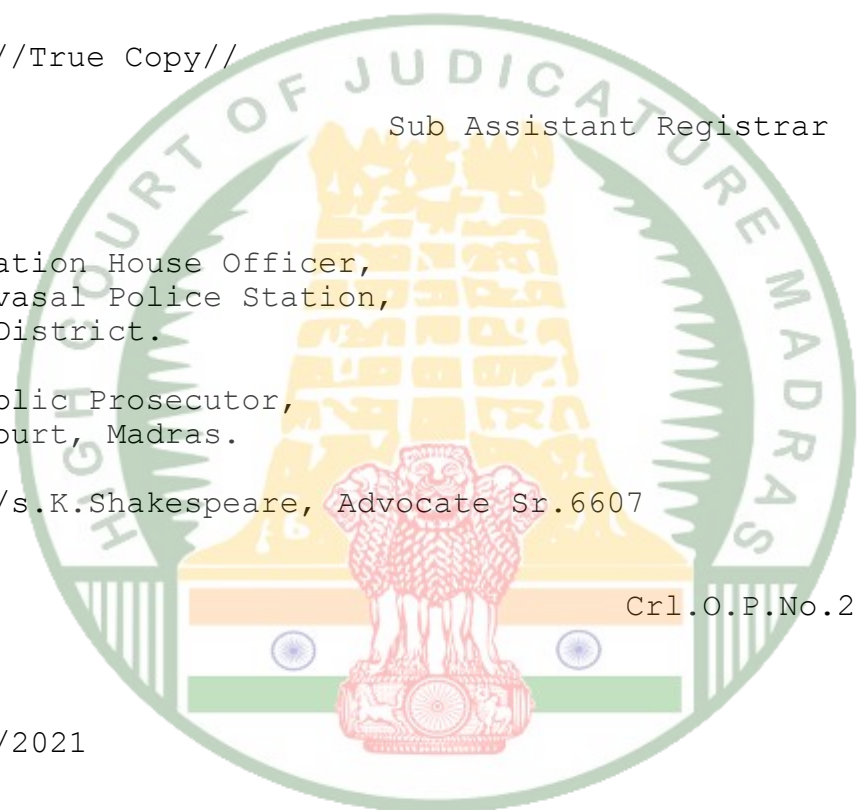
1. The Station House Officer,
Thalaivasal Police Station,
Salem District.

2. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.K.Shakespeare, Advocate Sr.6607

Cr1.O.P.No.2010 of 2021

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The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red lion capital with a wheel in the center. The entire emblem is set against a background of green and white stripes. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circle around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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