

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

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.1854 of 2021

P.Duraisamy

... Petitioner

vs.

1. The Superintendent of Police,
Salem District.

2. The Deputy Superintendent of Police,
Attur Taluk,
Salem District.

3. The Inspector of Police,
Gangavalli Police Station,
Salem District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent herein viz. Inspector of Police, Gangavalli Police Station, Salem District, to conduct enquiry in CSR No.238 of 2020 dated 16.12.2020 and take appropriate action to register a case in accordance with law.

For Petitioner : Mr.A.Rajakumar

For Respondent : 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 16.12.2020, 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 Cr1 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 Superintendent of Police,
Salem District.
2. The Deputy Superintendent of Police,
Attur Taluk,
Salem District.
3. The Inspector of Police,
Gangavalli Police Station,
Salem District.
4. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

AKM/25.02.21/ 2P-5C/

सत्यमेव जयते

Cr1.O.P No.1854 of 2021
05.02.2021

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