

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.2752 of 2021

Kathiresaramanuja Thasan

...Petitioner

.Vs.

1.The Superintendent of Police,
Tiruvannamalai District.

2.State Rep.by the Sub Inspector of Police,
Ponnur Police Station,
Tiruvannamalai District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the complaint dated 26.06.2020 in CSR No.107/2020 against the accused in view of order dt.21.09.2020 made in Crl.MP.No.600 of 2020, on the file of the Judicial Magistrate, Vandavasi.

For Petitioner : Mr.C.Moorthy

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

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent to register the complaint based on the petitioner's complaint dated 26.06.2020 in CSR No.107/2020.

2.Heard the learned counsel 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/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

KP

To

- 1.The Judicial Magistrate,
Vandavasi.
- 2.The Superintendent of Police,
Tiruvannamalai District.
- 3.The Sub Inspector of Police,
Ponnur Police Station,
Tiruvannamalai District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Moorthy, Advocate SR.8744

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AD(CO)
CB(10/03/2021)

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