

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.02.2021
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P No.2817 of 2021

Siddhan @ Joseph

Petitioner

vs.

1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2.Deputy Superintendent of Police,
Denkanikottai,
Krishnagiri District.

3.The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register FIR on the basis of the petitioner's complaint dated 05.02.2021 to the respondent police and investigate the matter in accordance with law.

For Petitioner : Mr.R.Balaguruswamy

For Respondents: Mr.Mohammed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the 3rd respondent Police to register a case based on the petitioner complaint dated 05.02.2021 pending on the file of the 3rd respondent Police.

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 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.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Asst.Registrar (CS IV)

/true copy/
Sub Asst. Registrar

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To

- 1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
- 2.The Deputy Superintendent of Police,
Denkanikottai,
Krishnagiri District.
- 3.The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.R.Balaguruswamy Advocate sr8780

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