

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2820 of 2021

M/s K.Gantha

.. Petitioner

Vs.

1. The Superintendent of Police,
Dharmapuri District.

2. The State Represented by
The Inspector of Police,
B1 Town Police Station,
Dharmapuri Town,
Dharmapuri District. ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the 1st respondent to take action and register FIR on the basis of the complaint filed by the petitioner on 09.01.2021.

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

ORDER

This petition has been filed to direct the 2nd respondent Police to register a case based on the petitioner complaint dated 09.01.2021 pending on the file of the 2nd 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 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.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS VI)

/true copy/
Sub Asst. Registrar

Rka

To

1. The Superintendent of Police,
Dharmapuri District.

2. The State Represented by
The Inspector of Police,
B1 Town Police Station,
Dharmapuri Town,
Dharmapuri District.

3. The Public Prosecutor
High Court Madras-104

+1 cc to Mr.M.Muruganantham Advocate sr8767

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