

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.2869 OF 2021

Velmurugan K

.. Petitioner

.vs.

1 STATE REP BY
THE DEPUTY SUPERINTENDENT OF POLICE O/O.THE
SUPERINTENDENT OF POLICE, THIRUVANNAMALAI
THIRUVANNAMALAI DISTRICT.

2 THE INSPECTOR OF POLICE
KIZH KODUNGALUR POLICE STATION VANDAVASI
ZONE THIRUVANNAMALAI 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 on the basis of the complaint given by the petitioner dated 25.12.2020 the petitioner has lodged a complaint before the 1st respondent and copy of the same to the 2nd respondent narrating the entire history.

For Petitioner : Mr.B.Govindaprabhu

For Respondents: Mr.Mohammed Riyaz
Additional Public prosecutor

ORDER

This petition has been filed to direct the 2nd respondent Police to register a case based on the petitioner's complaint dated 25.12.2020 pending on the file of the 2nd respondent Police.

2.Heard the learned counsel for the petitioner and the learned Government Advocate 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 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.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rka

To

- 1 THE DEPUTY SUPERINTENDENT OF POLICE O/O.THE
SUPERINTENDENT OF POLICE, THIRUVANNAMALAI
THIRUVANNAMALAI DISTRICT.
- 2 THE INSPECTOR OF POLICE
KIZH KODUNGALUR POLICE STATION VANDAVASI
ZONE THIRUVANNAMALAI DISTRICT
3. THE PUBLIC PROSECUTOR,
HIGH COURT OF MADRAS,
MADRAS.

+1cc to Mr.B.Govindaprabhu, Advocate, S.R.No.8857

CrI.O.P.No.2869 of 2021

VGI (CO)
CS/18/02/2021