

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.3024 of 2021

S.Mahaveerchand

... Petitioner

Versus

1.The Superintendent of Police,
Cuddalore District.

2.The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.

... Respondents

This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code to direct the Respondent to register the FIR based on the petitioner complaint dated 06.12.2020 as per law and investigate the same.

For Petitioner : Mr.S.Nambirajan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents Police to register a case based on the petitioner's complaint dated 06.12.2020, pending on the file of the respondents 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 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.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Cuddalore District.
- 2.The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
- 3.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.R.Ravichandran, Advocate, S.R.No.9103.

GPL(CO)
CSR 23.03.2021

Cr1.O.P.No.3024 of 2021

सत्यमेव जयते

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