

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.2890 of 2021

L.Govindasamy Rasaiyan

.. Petitioner

Vs.

1. State rep. by
The Superintendent of Police,
Karaikkal,
Pudhucherry Union Territory.

2. The Inspector of Police,
Kottucherry Police Station,
Karaikal District,
Pudhucherry. ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to direct to the respondents to register the petitioner's complaint dated 05.10.2020 for an offence under Sections 406, 409, 471 and 420 of IPC.

For Petitioner : Mr.L.Baskaran
For Respondents : Mr.V.Balamurugan
Additional Public Prosecutor
Pondicherry.

ORDER

This petition has been filed to direct the 2nd respondent Police to register a case based on the petitioner complaint dated 05.10.2020 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 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 IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Karaikkal,
Pudhucherry Union Territory.
2. The Inspector of Police,
Kottucherry Police Station,
Karaikal District, Pudhucherry.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.L.Baskaran , Advocate SR.No. 9047

A.SK(09.03.2021)

Cr1.O.P.No.2890 of 2021