

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.2954 of 2021

P.Chinnasamy

Petitioner

vs.

1. The State Rep by
Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2. The State Rep by
Inspector of Police,
Land Grabbing Special Cell
Dharmapuri District.

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent police to register the petitioner's complaint dated 16.06.2020 and file a FIR.

For Petitioner : Mr.A.Ilayaperumal

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 complaint dated 16.06.2020 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 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

//True Copy//

Sub Assistant Registrar

rka

To

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

2.The Inspector of Police,
Land Grabbing Special Cell
Dharmapuri District.

3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.A.Ilayaperumal, Advocate Sr.No. 8946

Cr1.O.P No.2954 of 2021

SSI (CO)

RMP (09/03/2021)

WEB COPY