

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.4144 OF 2021

S.Muthuraj

.. Petitioner

Vs.

1. The Superintendent of Police,
Thiruvallur District.
 2. The Deputy Superintendent of Police,
Tiruttani Police Range,
Tiruttani Thiruvallur district.
 3. The Inspector of Police,
Tiruttani Police Station,
Tiruttani.
- .. Respondents

Prayer:

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, directing the respondents Police to register the case based on the complaint of the petitioner dated 03.02.2021, investigate the same and file the final report before the appropriate court within the reasonable time limit fixed by this Court.

For Petitioner : Mr.V.Logeshwaren

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

O R D E R

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 03.02.2021, pending on the file of the first 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 Cr1 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 VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Thiruvallur District.
2. The Deputy Superintendent of Police,
Tiruttani Police Range,
Tiruttani Thiruvallur district.
3. The Inspector of Police,
Tiruttani Police Station,
Tiruttani.
4. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.V.Logeshwaren, Advocate, S.R.No.14059

Cr1.O.P.No.4144 of 2021

GPL (CO)
CS/01/04/2021