

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.3375 of 2021

V.Ganesh

... Petitioner

Vs.

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

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

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to directing the respondents on the petitioner's complaint dated 23.07.2018 based on order passed by the learned Judicial Magistrate No.I in C.M.P.No.491 of 2020 dated 02.11.2020 and investigate the same and file a final report within a stipulated time.

For Petitioner

: Mr.S.Saravana Kumar

For Respondent

: Mr.M.Mohammed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents Police to register a case based on the petitioner's complaint dated 23.07.2018 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.

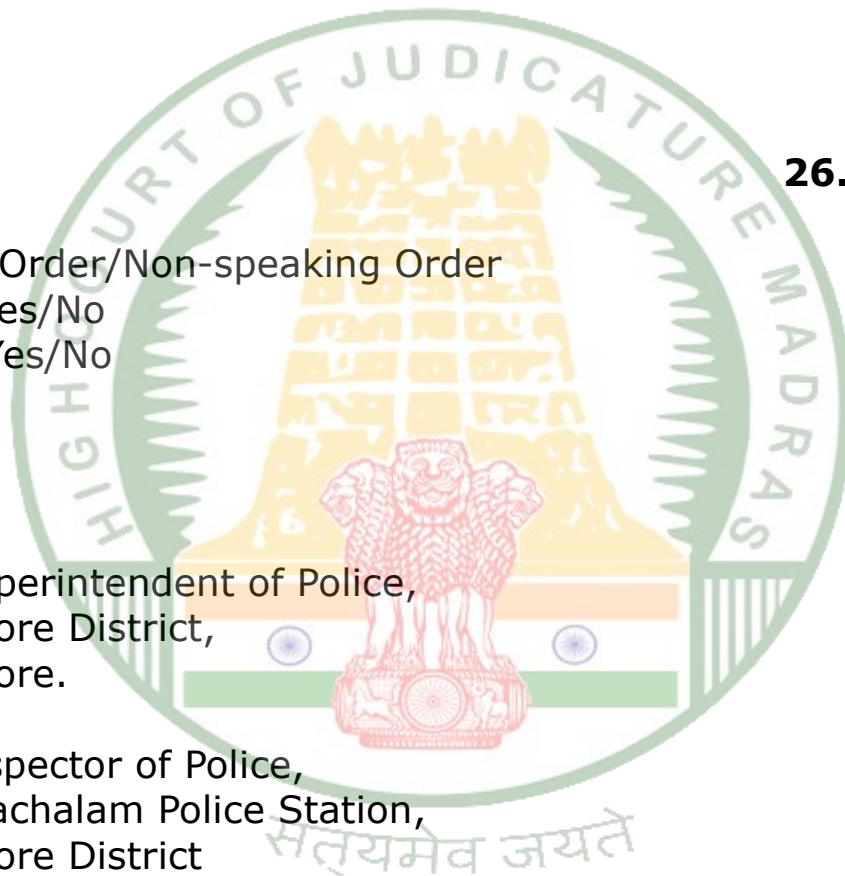
This Criminal Original Petition is disposed of accordingly.

26.02.2021

Speaking Order/Non-speaking Order
Index :Yes/No
Internet:Yes/No

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To

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



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N.ANAND VENKATESH,J.

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