

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.4217 OF 2021

K.Sathyamoorthy

.. Petitioner

Vs.

1. The Superintendent of Police,
Dharmapuri District Police Office,
Dharmapuri.
 2. State rep. by
The Inspector of Police,
Gopinathampatti Koot Road Police Station,
Gopinathampatti,
Pappireddipatti Taluk,
Dharmapuri District.
- .. Respondents

Prayer:

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to take action against the accused person V.Palanisamy, S/o.Vadivel, chinnagoundanoor Village, K.Morur Post, Kadayampatti Taluk, Salem District to conduct enquiry and investigate the same in accordance with law.

For Petitioner : Mr.P.Rajavelu

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 conduct enquiry and to register a case based on the petitioner's complaints dated 19.11.2018, 29.11.2018 & 10.12.2018, pending on the file of the first respondent Police.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) 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 VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Dharmapuri District Police Office,
Dharmapuri.
2. The Inspector of Police,
Gopinathampatti Koot Road Police Station,
Pappireddipatti Taluk,
Dharmapuri District.
3. The Public Prosecutor,
High Court, Madras.

PMK(CO)
CS/29/03/2021

Cr1.O.P.No.4217 of 2021

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