

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.3666 of 2021

P.Thambidurai  
rep. By its Power Agent,  
Mr.D.Hemakumar .... Petitioner

vs.

The Inspector of Police,  
T-3, Korattur Police Station,  
Korattur, Chennai 600 080. .... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction to the respondent to register the complaint dated 30.01.2021 and immediately interrogate the persons involved in this land grabbing offences, under section 420, 441, 120(b) of IPC and file a Charge Sheet.

For Petitioner : Mr.J.Milton Arul Rajendran  
For Respondent : Mr.M.Mohammed Riyaz  
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 30.01.2021, pending on the file of the respondent Police.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

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.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Inspector of Police,  
T-3, Korattur Police Station,  
Korattur, Chennai 600 080.
2. The Public Prosecutor,  
High Court of Madras,  
Chennai 600 104.

+2ccs to Mr.J.Milton Arul Rajendran, Advocate, S.R.No.11448.

Cr1.O.P No.3666 of 2021

GPLCO)  
CSR 17.03.2021

सत्यमेव जयते

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