

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.3802 of 2021

Mr.S.Santhakumar

.. Petitioner

Vs.

1. The Superintendent of Police,
Nilagiri District.

2. The Inspector of Police,
B-1, Police Station,
Ooty, Nilagiri District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent herein to register the complaint dated 12.01.2021 on the file of the 2nd respondent herein and file a FIR.

For Petitioner : Mr.T.Kowshikrai

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

O R D E R

This petition has been filed to direct the 2nd respondent herein to register the complaint dated 12.01.2021 on the file of the 2nd respondent herein and file a FIR.

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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr
To

1. The Superintendent of Police,
Nilagiri District.
2. The Inspector of Police,
B-1, Police Station,
Ooty, Nilagiri District.
3. The Public Prosecutor,
High Court, Madras.

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SP(18/03/2021)

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