

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.4338 of 2021

J.P.Krishnaprasad

.. Petitioner

Vs.

1. State : The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2. State : The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to register F.I.R based on the petitioner's complaint dated 07.11.2020 in C.S.R.No.103 of 2020 on the file of the second respondent and to investigate the case properly according to law.

For Petitioner : Mr.M.P.Saravanan

For Respondents: Mr.C.Raghavan
Government Advocate

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner complaint dated 07.11.2020 pending on the file of the respondent Police.

2.Heard the learned counsel for the petitioner and the learned Government Advocate 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.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
2. The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

PL(CO)
CB(24/03/2021)

CrI.O.P No.4338 of 2021

सत्यमेव जयते
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