

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5872 of 2021

Baskaran

.. Petitioner

Vs.

1. The Superintendent of Police,
District Police Head Quarters,
Kallakurichi,
Kallakurichi District.

2. The Station House Officer,
Mungilthuraipet Police Station,
Sankarapuram Taluk,
Kallakurichi District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to register a case in connection with above said online complaint on 02.02.2021 and online Acknowledgement on 02.02.2021 for an offence under sections 165, 166, 149, 463, 464, 465 & 506(ii).

For Petitioner : Mr.K.Sivakumar

For Respondents : Mr.M.Mohamed 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 02.02.2021, pending on the file of the respondents 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 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 III)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
District Police Head Quarters,
Kallakurichi,
Kallakurichi District.
2. The Station House Officer,
Mungilthuraipet Police Station,
Sankarapuram Taluk,
Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras.

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GPL (CO)
KM(26/04/2021)