

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.4147 of 2021

Sundaramurthy

.. Petitioner

Vs.

1. The Superintendent of Police,
Chengalpet District.

2. The Sub Inspector of Police,
Sadurangapattinam Police Station,
Thiruporur Taluk,
Chengalpet District.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, directing the respondent Police to register the FIR on the basis of the petitioner's complaint dated 19.01.2021.

For Petitioner : Mr.D.Krishnamoorthy
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 register a case based on the petitioner's complaint dated 19.01.2021, pending on the file of the first respondent 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 CrI 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 VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Chengalpet District.
2. The Sub Inspector of Police,
Sadurangapattinam Police Station,
Thiruporur Taluk,
Chengalpet District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Krishnamoorthy, Advocate, S.R.No.13676.

PMK (CO)
CSR 25.03.2021

सत्यमेव जयते

Cr1.O.P.No.4147 of 2021

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