

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.4330 of 2021

Kunjithapatham

.. Petitioner

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Komaratchi Police Station,
Cuddalaore District.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents police to register the F.I.R against the accused on the basis of the petitioner's complaint dated 14.06.2019 in time bound manner.

For Petitioner : Mr.R.Karunakaran
For Respondent : 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 14.06.2019 pending on the file of the 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.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

rka

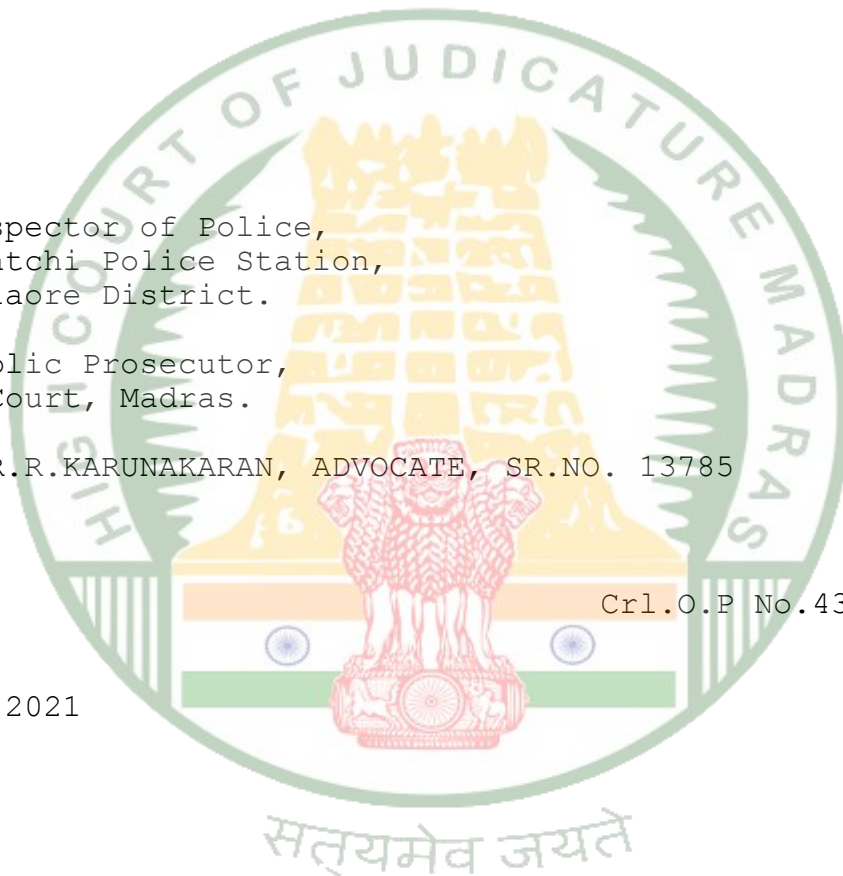
To

1. The Inspector of Police,
Komaratchi Police Station,
Cuddalaore District.
2. The Public Prosecutor,
High Court, Madras.

+1CC TO MR.R.KARUNAKARAN, ADVOCATE, SR.NO. 13785

Cr1.O.P No.4330 of 2021

KV (CO)
KKN 26.04.2021



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