

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.4590 of 2021

S.Shanthi

... Petitioner

Vs.

1. STATE REP.BY
THE SUPERINTENDENT OF POLICE, SALEM DISTRICT,
SALEM.
2. THE INSPECTOR OF POLICE
EDAPADI TOWN POLICE STATION, EDAPADI,
SALEM DISTRICT.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the FIR against the accused persons based on the petitioners complaint dated 02.02.2021.

For Petitioner : Mr.K.Gandhi Kumar

For Respondent : Mr.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner complaint dated 02.02.2021 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 respondent.

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,
SALEM DISTRICT,
SALEM.
2. THE INSPECTOR OF POLICE
EDAPADI TOWN POLICE STATION, EDAPADI,
SALEM DISTRICT.
3. THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1cc to M/s.K.Gandhikumar, Advocate Sr.14718

Cr1.O.P No.4590 of 2021

pl[co]
srg 24/03/2021

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