

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 24.03.2021
CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5895 of 2021

Mohamed Umar Basha

.. Petitioner

Vs.

1. The Superintendent of Police,
Sathuvachari,
Vellore District.

2. The Inspector of Police,
Prevention of Land Grabbing Cell,
Sathuvachari, Vellore District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the third respondent police to register the petitioner complaint dated 22.01.2020.

For Petitioner : Mr.B.Sundarapandiyan
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the third respondent Police to register a case based on the petitioner's complaint dated 22.01.2020, 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.

4. 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,
Sathuvachari,
Vellore District.

2. The Inspector of Police,
Prevention of Land Grabbing Cell,
Sathuvachari, Vellore District.

3. The Public Prosecutor,
High Court, Madras.

+cc to M/S.B.Sundrapandiyan, Advocate Sr.No.19055

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Cr1.O.P.No.5895 of 2021

PL(CO)
baf 11/05/2021