



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.6519 of 2021

N.Ramamurthy

... Petitioner

Versus

1.The District Superintendent of Police
District Crime Branch,
Thirupathur District,
Thirupathur - 635 601.

2.The Inspector of Police,
Town Police Station,
Thirupathur District,
Thirupathur - 635 601.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the 1st respondents to register a case in respect of the complaint dated 29.06.2020 submitted by the petitioner and others for which any enquiry was conducted by the 1st respondent petitioner side only on 3.7.2020 within a time to be stipulated by this Court.

For Petitioner : Mr.R.Ramesh Raja

For Respondents: Mr.M.Mohammed 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 29.06.2020 pending on the file of the 2nd 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.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1.The District Superintendent of Police
District Crime Branch,
Thirupathur District,
Thirupathur - 635 601.

2.The Inspector of Police,
Town Police Station,
Thirupathur District,
Thirupathur - 635 601.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s. Ramesh Raja, Advocate Sr.22434

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SSN(CO)
EU 17.6.2021