

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2021

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6289 of 2021

P.P.Balan

... Petitioner

Vs.

1. The Superintendent of Police,
Perambalur District.

2. The Inspector of Police,
Land Grabbing (Prevention) Special Cell,
Perambalur,
Prambalur District.

.... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the second Respondent to register a FIR against Mr.M.Paramasivam based on the petitioners complaint dated 16.03.2021 and to conduct enquiry and investigate the same in accordance with law.

For Petitioner : Mr. S.Manimaran

For Respondent : Mr.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the second respondent Police to register a case based on the petitioner's complaint dated 16.03.2021, 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 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 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.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Perambalur District.
2. The Inspector of Police,
Land Grabbing (Prevention) Special Cell,
Perambalur,
Perambalur District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Manimaran, Advocate SR.No.20905

Cr1.O.P.No.6289 of 2021

AD (CO)
GMY (19/04/2021)

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