

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.6983 of 2021

E.Mariyaraj

... Petitioner

Versus

1.The Superintendent of Police,
SH 37, Marapalayam Near P.S.Park,
Erode - 638 001.

2.The Inspector of Police,
Sathiyamangalam Police Station,
Erode District - 638 401.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents police to register the case based upon the complaint given by the petitioner dated 10.03.2020 in C.S.R.No.117 of 2020 dated 14.09.2020 and file a report within stipulated time.

For Petitioner : Mr.A.D.Janarthanan

For Respondents: Mr.M.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 10.03.2020 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 Cr1 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

dna
To

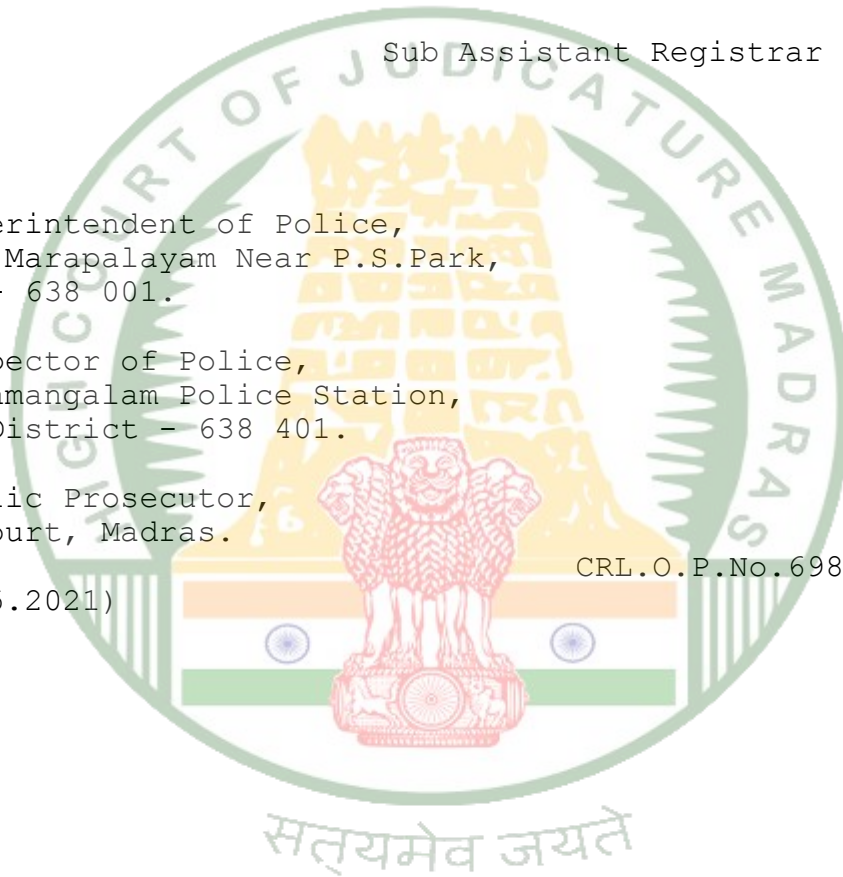
1.The Superintendent of Police,
SH 37, Marapalayam Near P.S.Park,
Erode - 638 001.

2.The Inspector of Police,
Sathiyamangalam Police Station,
Erode District - 638 401.

3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.6983 of 2021

A.SK(18.05.2021)



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