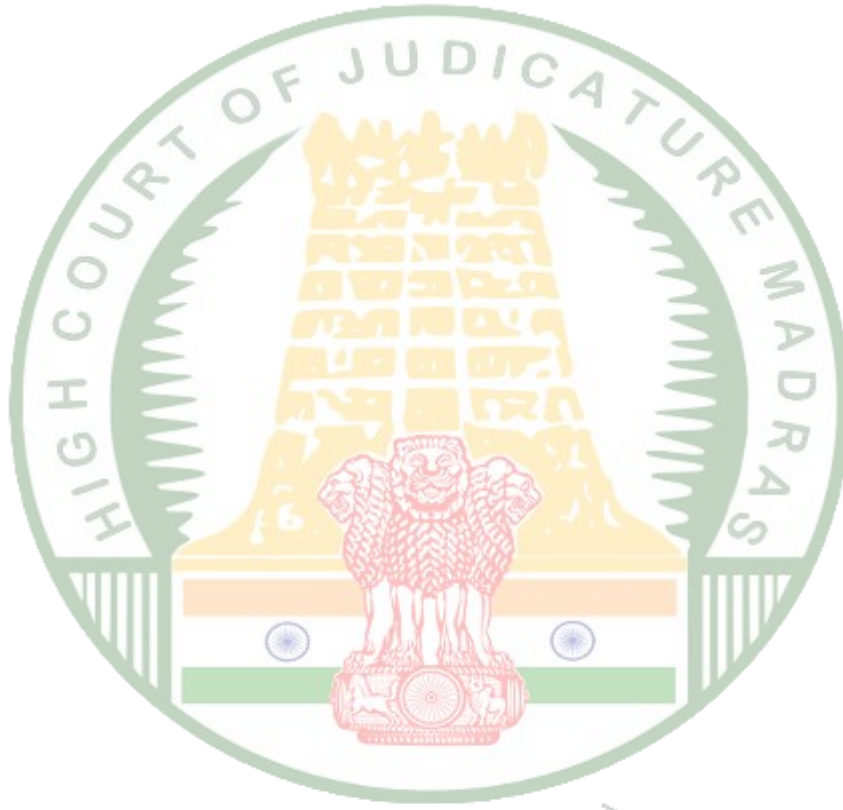




सत्यमेव जयते

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.6846 OF 2021

Sarvothaman

...Petitioner

Versus

- 1.The State Rep by
The Inspector of Police,
Muthialpet Police Station,
Pondicherry - 605 003
- 2.The Superintendent of Police (East)
Jawaharlal Nehru Street,
Pondicherry - 605 001.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to register the FIR for the complaint dated 15.02.2021 given by the petitioner.

For Petitioner : Mr.M.Devaraj
For Respondents : Mr.D.Bharatha Chakravarthi
Public Prosecutor (Puducherry)

सत्यमेव जयते

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner complaint dated 15.02.2021 pending on the file of the 1st respondent Police.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.



सत्यमेव जयते

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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 (CS VII)

True Copy

Sub-Assistant Registrar

dna

To

- 1.The Inspector of Police,
Muthialpet Police Station,
Pondicherry - 605 003
 - 2.The Superintendent of Police (East)
Jawaharlal Nehru Street,
Pondicherry - 605 001.
 - 3.The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.M.Devaraj, Advocate, Sr.No.22415

CRL.O.P.No.6846 of 2021

PCH (CO)
KKV/28/05/2021