

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.6978 of 2021

N.Dhanapal

... Petitioner

Versus

1.The Superintendent of Police,
Office of the Superintendent of Police,
Krishnagiri.

2.The Inspector of Police,
Land Grabbing Cell,
Office of the Superintendent of Police,
Krishnagiri.

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to enquire and investigate, register a case based on the complaint dated 09.03.2021 to deal with the same in accordance to law.

For Petitioner : Mr.T.N.Murali Moghan

For Respondents: Mr.M.Mohammed Riyaz,

Additional Public Prosecutor

ORDER

This petition has been filed seeking a direction, to direct the second respondent to enquire, investigate and register a case based on the complaint dated 09.03.2021 and to deal with the same in accordance with law.

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

//True Copy//

Sub Assistant Registrar

klr

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Krishnagiri.
- 2.The Inspector of Police,
Land Grabbing Cell,
Office of the Superintendent of Police,
Krishnagiri.
- 3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.T.N.Murali Moghana, Advocate Sr.No. 22996

CRL.O.P.No.6978 of 2021

AKII(CO)
RMP(19/04/2021)

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