

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.9260 of 2021

S.Arumugam Petitioner

Versus

State by:

1.The Superintendent of Police,
District Police Office, Salem.

2.The Inspector of Police,
Taramangalam Police Station,
Omallur Taluk,
Salem District-636 502.

3.K.K.Jayasimman Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a direction to the 2nd respondent through the 1st respondent to give Police Protection to the petitioner by considering the complaint dated 03.02.2021.

For Petitioner :Mr.T.N.Buveneswaran

For 1st&2nd Respondents:Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the 2nd respondent through the 1st respondent to give Police Protection to the petitioner by considering the complaint dated 03.02.2021.

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

3. Though the petitioner has sought for police protection in respect of his complaint dated 13.02.2021, it has to be considered by the 2nd respondent Police. From the averments in the complaints, it is seen that the petition is for registering the First Information Report. This Court in G.Prabhakaran v. The Superintendent of Police, Thanjavur reported in (2018) 2 LW CrI 489 and 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, 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 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

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To

1. The Superintendent of Police,
District Police Office, Salem.

2. The Inspector of Police,
Taramangalam Police Station,
Omaller Taluk,
Salem District-636 502.

3. The Public Prosecutor,
High Court, Madras.

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GPL (CO)

EU 6.5.2021