

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.7000 of 2021

A.Jeevanantham ... Petitioner/Defacto Complainant

Versus

1.State Rep.by
Superintendent of Police
Office of the Superintendent of Police
Kallakurichy District,
Kallakurichy.

2.State Rep.by
The Inspector of Police
Ulundurpet Police Station
Ulundurpet,
Kallakurichy District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register the case on the basis of the petitioner complaint dated 13.01.2021 on the file of the second respondent police and to file the final report expeditiously.

For Petitioner : Mr.A.Ethayaselvan

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents Police to register a case based on the petitioner complaint dated 13.01.2021 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 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 (CS-VII)

//True copy//

Sub Assistant Registrar

dna

To

1.The Superintendent of Police
Office of the Superintendent of Police
Kallakurichy District,
Kallakurichy.

2.The Inspector of Police
Ulundurpet Police Station
Ulundurpet,
Kallakurichy District.

3.The Public Prosecutor,
High Court, Madras.

WEB COPY

CRL.O.P.No.7000 of 2021

SVI (CO)
GMY (22/06/2021)