

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.7090 of 2021

K.Gandhidesai

... Petitioner

Versus

The Station House Officer,
Neravy Police Station,
Neravy, Karakkal,
Puducherry.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the case on the basis of the petitioner's complaint dated 25.03.2021 and investigate the matter in accordance with law and file a final report before the competent court of law at the earliest possible time.

For Petitioner : Mr.M.Gnanasekar

For Respondents: Mr.D.Bharatha Chakravarthy
Public Prosecutor (Puducherry)

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner complaint dated 25.03.2021 pending on the file of the 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

//True Copy//

Sub Assistant Registrar

dna

To

1.The Station House Officer,
Neravy Police Station,
Neravy, Karakkal,
Puducherry.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.M.Gnanasekar, Advocate, SR.NO.22736

CRL.O.P.No.7090 of 2021

GPL(CO)
NS(04/05/2021)