

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.7165 of 2021

Mr.P.Sharavanan

... Petitioner

Versus

1.The Superintendent of Police,
Tiruvallur District,
Tiruvallur.

2.The Inspector of Police, (Crime)
F-4, Kavaraipettai Police Station,
Kavaraipettai,
Gummidipoondi Taluk,
Tiruvallur District.

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register the complaint dated 27.03.2021, to investigate the same as per the legal procedure and pass appropriate directions.

For Petitioner : Mr.S.Swamidoss Manokaran

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

ORDER

This petition has been filed seeking a direction, to direct the respondents to register the FIR on the basis of the complaint dated 27.03.2021 and to investigate the same as per the legal procedure.

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-III)

//True Copy//

Sub Assistant Registrar

klt

TO

- 1.The Superintendent of Police,
Tiruvallur District,
Tiruvallur.
- 2.The Inspector of Police, (Crime)
F-4, Kavaraipettai Police Station,
Kavaraipettai,
Gummidipoondi Taluk,
Tiruvallur District.
- 3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.D.S.Ra.P.Prathap Singh, Advocate, S.R.No. 23613

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AK II(CO)
GN(19/04/2021)

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