

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.OP.No.7427 of 2021

R.Anbalagan

... Petitioner

Versus

The State Represented by
Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai District-606 601.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register the case based on the complaint lodged by the petitioner dated 26.02.2021 on the file of the respondent police.

For Petitioner : Mr.R.Muniyapparaj

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

ORDER

This petition has been filed to direct the respondent to register the petitioner complaint dated 26.02.2021 and file an FIR.

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

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-IV)

//True copy//

Sub Assistant Registrar

mbi

To

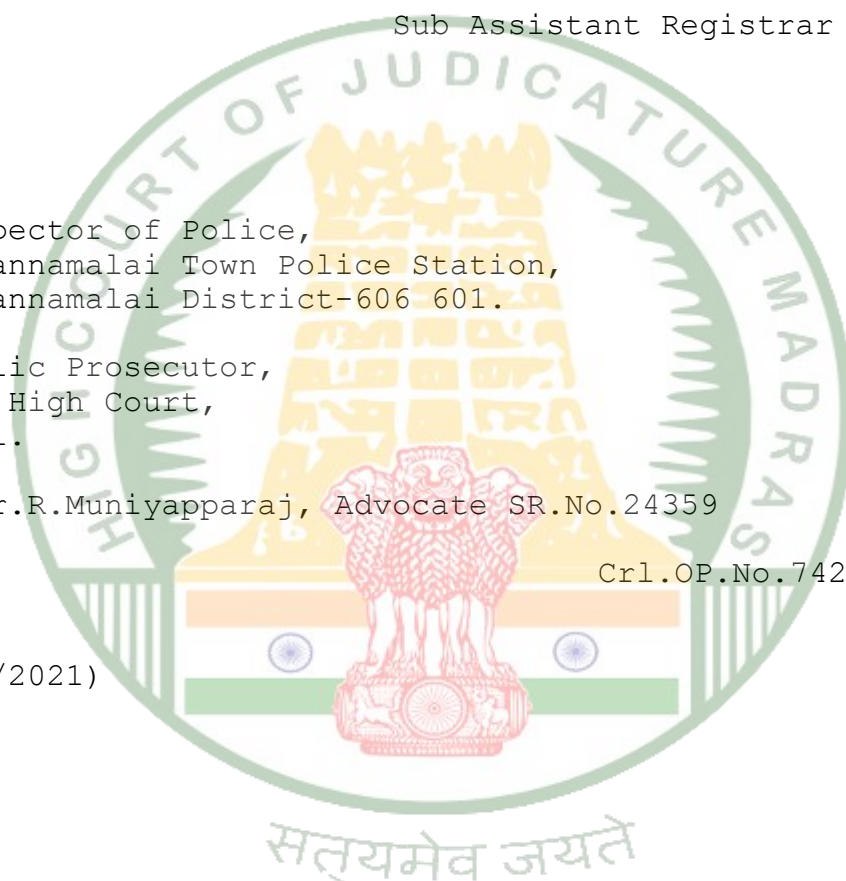
1.The Inspector of Police,
Thiruvannamalai Town Police Station,
Thiruvannamalai District-606 601.

2.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.R.Muniyapparaj, Advocate SR.No.24359

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PVS (CO)
GMY (23/06/2021)



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