

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.OP.No.7632 of 2021

P.Ganapathy

... Petitioner

Versus

1.The Superintendent of Police,
Namakkal.

2.The Inspector of Police,
Puduchatram, Namakkal District.

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to take action on the complaint/petition/representation of the petitioner and consequently direct the respondents to register a case against R.Palanivel, V.Palanivel, Sengotaiyan, P.Krishnamurthy, S.Krishnamurthy and Baby of Nattamangalam Village, Namakkal Taluk and District and the erring Police Officer viz., Ganesan, Inspector of Police, formerly at Puduchatram, Mojanoor and proceed against them in accordance with law.

For Petitioner : Mr.K.R.Vijayakumar

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

ORDER

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

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 Cr1 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Superintendent of Police,
Namakkal.
- 2.The Inspector of Police,
Puduchatram, Namakkal District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

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PVS (CO)
SP(30/06/2021)

सत्यमेव जयते

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