

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.7397 of 2021

Mani

... Petitioner/De-facto
Complainant

Versus

State rep.by
Inspector of Police,
Barur Police Station,
Krishnagiri District.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register the petitioner complaint dated 03.02.2021 in C.S.R.No.20 of 2021.

For Petitioners : Mr.K.Balu
For Respondent : Mr.C.Raghavan,
Government Advocate

ORDER

This petition has been filed to direct the respondent police to register the petitioner complaint dated 03.02.2021 in C.S.R.No.20 of 2021.

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.

mbi

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

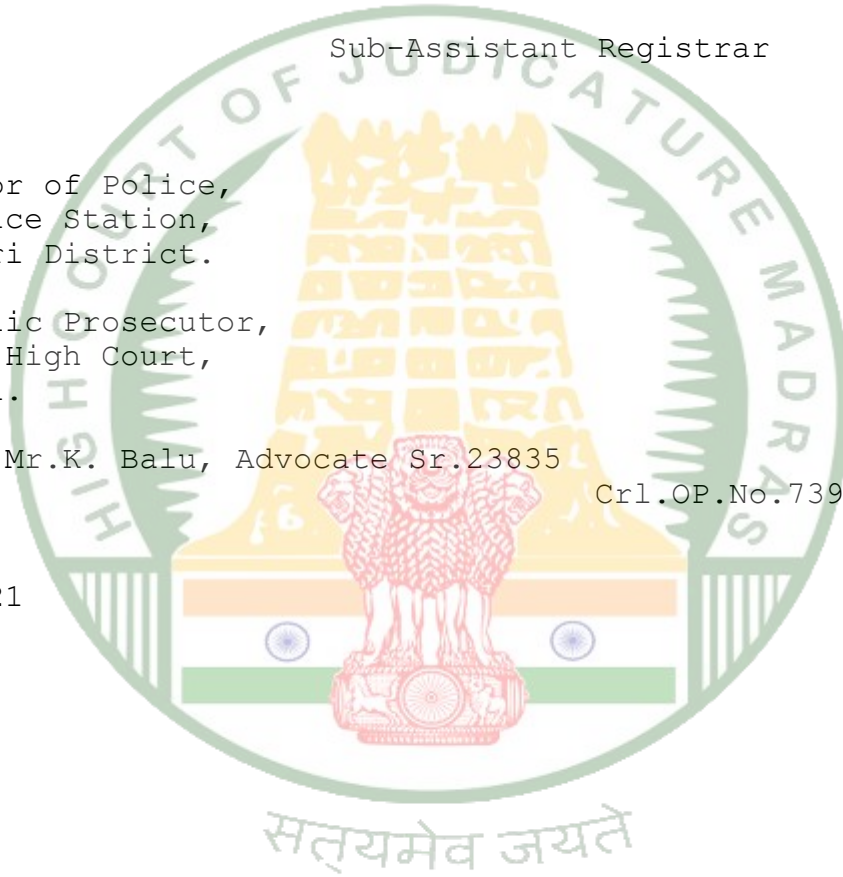
1. Inspector of Police,
Barur Police Station,
Krishnagiri District.

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

+ 1 cc to Mr.K. Balu, Advocate Sr.23835

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CP(CO)
EU 7.6.2021



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