

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.7630 of 2021

S. Kuppusamy

... Petitioner

Versus

1. The Superintendent of Police,
Office of the Superintendent of Police,
Vellore Road, Vengikkal,
Thiruvannamalai Taluk,
Thiruvannamalai District - 606 604.

2. The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Anna Salai, Thorapadi, Tolgate,
Vellore - 632 002.

3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Arni Town, Arni Taluk,
Thiruvannamalai District - 632 301.

4. The Inspector of Police,
Arni Taluk Police Station,
Arni Town, Arni Taluk,
Thiruvannamalai District - 632 301.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the fourth respondent herein to register a F.I.R. on the Ganapathy, Rani and Kanagavalli, residing at Vinnamangalam Village & Post, Arni Taluk, Thiruvannamalai District on the basis of the complaint dated 05.03.2021 given by the petitioner herein.

For Petitioner : Mr. S. Ram Kumar

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

O R D E R

This petition has been filed to direct the respondent Police to register a case based on the petitioner complaint dated 05.03.2021 pending on the file of the fourth 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dna
To

- 1.The Superintendent of Police,
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Vellore Road, Vengikkal,
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Thiruvannamalai District - 606 604.
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Arni Taluk Police Station,
Arni Town, Arni Taluk,
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5.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.7630 of 2021

EV(CO)
SP(21/06/2021)



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