

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.8063of 2021

R.G.Tirugnana Sambanda Murthy

... Petitioner

Versus

1.The Commissioner of Police,
Tiruppur City,
Tiruppur.

2.The Inspector of Police,
Rural Police Station,
Tiruppur City,
Tiruppur.

3.The Inspector of Police,
Central Crime Branch,
Tiruppur City,
Tiruppur.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to register the FIR based on the petitioner's complaint dated 29.10.2020.

For Petitioner : Mr.S.Selvakumar

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

ORDER

This petition has been filed to direct the 1st respondent to register FIR based on the petitioner's complaint dated 29.10.2020.

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 Crl 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-CCC)

//True copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Tiruppur City,
Tiruppur.

2.The Inspector of Police,
Rural Police Station,
Tiruppur City,
Tiruppur.

3.The Inspector of Police,
Central Crime Branch,
Tiruppur City,
Tiruppur.

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

+1cc to Mr.S.Selvakumar, Advocate SR.No.26590

Cr1.OP.No.8063of 2021

JPL (CO)
GMY (08/07/2021)