

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. No.8250 of 2021

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... Petitioner

Versus

1. The State Rep.by

The Superintendent of Police,
Villupuram District,
Villupuram.

2. The Inspector of Police,

Kandamangalam Police Station,
Kandamangalam,
Villupuram District.

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Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a suitable direction to the respondents police to register a case on the basis of petitioner's complaint dated 31.03.2021.

For Petitioner : Mr.D.Krishnamurthy

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

सत्यमेव जयते
ORDER

This petition has been filed to direct the respondents to register the first information report on the basis of the complaint dated 31.03.2021 given by the petitioner to the respondents.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl.side) 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 petitioners 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 (CS-I)

True Copy

Sub-Assistant Registrar

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To

1. The The Superintendent of Police,
Villupuram District,
Villupuram.
2. The Inspector of Police,
Kandamangalam Police Station,
Kandamangalam,
Villupuram District.
- 3.The Public prosecutor, High Court, Madras.

1 cc to Mr. D. Krishnamoorthy, Advocate Sr.26684

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EU 8.6.2021

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