

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.8099 of 2021

T.Murugavel

... Petitioner

Versus

The State Rep by
The Inspector of Police,
B2-Vishnu Kanchi Police Station,
Kancheepuram.

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register the case based on the complaint lodged by the petitioner dated 09.11.2019 on the file of the respondent police.

For Petitioner : Mr.R.Muniyapparaj

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

ORDER

1.This petition has been filed to direct the respondent to register the first information report on the basis of the complaint dated 09.11.2019 given by the petitioner to the respondent.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl.side) appearing on behalf of the respondent.

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 IX)

//True Copy//

Sub Assistant Registrar

klt

To

1.The Inspector of Police,
B2-Vishnu Kanchi Police Station,
Kancheepuram.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.R.Muniyapparaj, Advocate, S.R.No.26702

CRL.O.P.No.8099 of 2021

KV(CO)
SU(13/07/2021)

सत्यमेव जयते

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