

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. 8245 of 2021

Mallika

... Petitioner

Versus

1. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2. The Inspector of Police,
Kanthikuppam Police Station,
Kanthikuppam.

3. Rameshkannan

4. Kalaiyarasan

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the case against the respondents 3 and 4 and conduct enquiry in accordance with law.

For Petitioner : Mr.N.Dharanikumar

For Respondents: Mr.M.Mohamad Riyaz, (for R1 & R2)
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 10.02.2021 given by the petitioner to the second respondent vide CSR.No.34 of 2021.

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)

//True Copy//

Sub Assistant Registrar

klt

To

1. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
2. The Inspector of Police,
Kanthikuppam Police Station,
Kanthikuppam.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.N.Dharani kumar , Advocate SR.No. 26577

A.SK(29.06.2021) CRL.O.P.No.8245 of 2021

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