

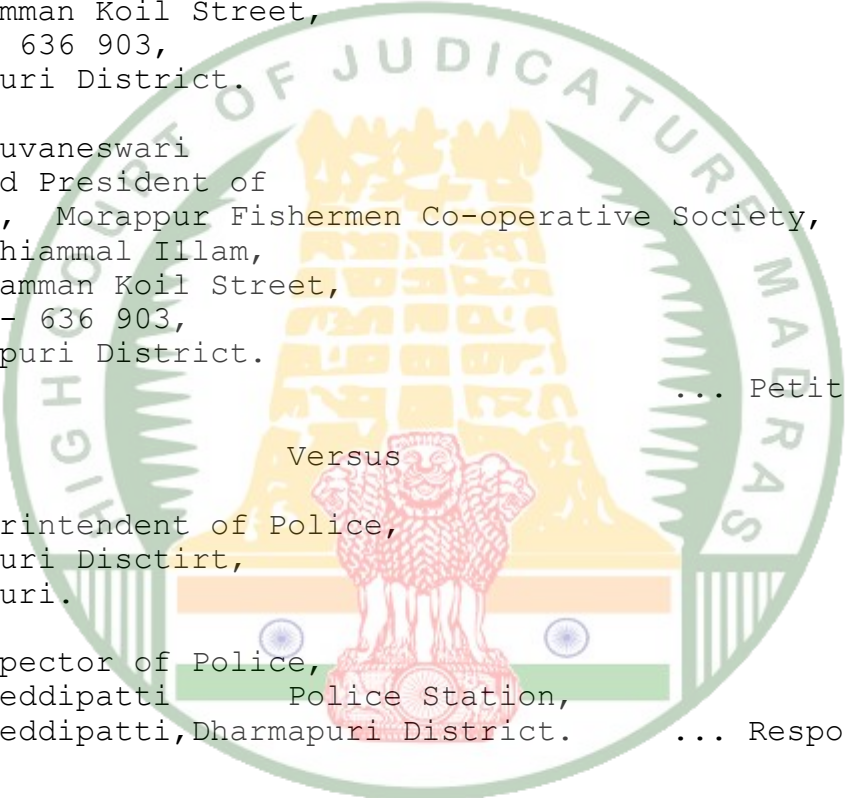
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P. No.8285 of 2021

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- 1.FMR.21, Morappur Fishermen Co-operative Society,
Kuppachiammal Illam,
Mariayamman Koil Street,
Harur - 636 903,
Dharmapuri District.
2. Tmt.M.Buvaneswari
Elected President of
FMR.21, Morappur Fishermen Co-operative Society,
Kuppachiammal Illam,
Mariayamman Koil Street,
Harur - 636 903,
Dharmapuri District.
- Petitioners
- Versus
- 1.The Superintendent of Police,
Dharmapuri Disctirt,
Dharmapuri.
2. The Inspector of Police,
Pappireddipatti Police Station,
Pappireddipatti,Dharmapuri District.
- ... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register the case on the complaint given by the 2nd petitioner dated 21.04.2021 and proceed with the investigation.

For Petitioners : Mr.S.Doraiswamy

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

ORDER

This petition has been filed to direct the respondents to register the first information report on the basis of the complaint dated 21.04.2021 given by the petitioner to the respondents Vide CSR.No.88 of 2021.

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.

Sd/-

Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

klr

To

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

2. The Inspector of Police,
Pappireddipatti Police Station,
Pappireddipatti,Dharmapuri District.

3.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Doraiswamy, Advocate SR.No.26530

CRL.O.P.No.8285 of 2021

RK(CO)
GMY(07/07/2021)