IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2021

CORAM

THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.8494 of 2021

S.Sundararaj ... Petitioner

Vs

1. The Commissioner of Police,
Coimbatore District Coimbatore Office,
Coimbatore – 641 018.

2. The Inspector of Police,
E-2 Police Station,
11, Avinashi Road,
Opp. Fun Mall,
Coimbatore – 641 004.

3. The Inspector of Police,
All Women Police Station,
Puliyakulam Road,
Ramanathapuram,
Coimbatore – 641 045.

4. Tmt.G.Amutha ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., directing the respondents 1 to 3 to register a case based on the Complaint dated 20.04.2021 preferred by the petitioner.

For Petitioner :Mr.K.Rajasekaran

For Respondents :Mr.A.Damodaran for R1 to R3
Counsel for Govt. of
Tamilnadu (Crl.Side)

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O R D E R

This Criminal Original Petition has been filed to direct the respondents 1 to 3 to register a case based on the Complaint dated 20.04.2021 preferred by the petitioner.

https://hcservices.ecourts.gov.in/hcservices/

2.Heard the learned counsel for the petitioner and the learned counsel for Government of Tamilnadu (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 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.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

msv
To

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Coimbatore - 641 018.

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4. The Public Prosecutor,
High Court, Madras.

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SSN(CO)
SP(05/07/2021)

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