

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.05.2021

CORAM

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

CrI.O.P.No.8810 of 2021

I.Ganapathy

... Petitioner

Vs.

1. The Superintendent of Police,
CBCID,
Iyyanaarkoil Street,
Iyyanaarkoil Nagar,
Orleanpet,
Puducherry - 605 001.

2. The Inspector of Police,
CBCID,
Iyyanaarkoil Street,
Iyyanaarkoil Nagar,
Orleanpet,
Puducherry - 605 001.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to register the case on the basis of the petitioner's complaint dated 23.03.2021 and investigate the matter in accordance with law and file a final FIR before the competent Court of law at the earliest possible time.

For Petitioner : Mr.M.Gnanasekar
For Respondents : Mr.Bharathachakravarthy
Public Prosecutor
(Puducherry)

ORDER

This criminal original petition has been filed to direct the respondent to register the case on the basis of the petitioner's complaint dated 23.03.2021.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor (Puducherry) appearing on behalf of respondents.

3. This petition is not maintainable, in view of the decision of a Division Bench of this Court in G.Prabhakaran v. The Superintendent of Police, Thanjavur reported in (2018) 2 LW CrI 489. The Hon'ble Supreme Court in its latest judgment in M.Subramaniam v. S. Janaki reported in (2020) 5 CTC 464, after relying upon Sakiri Vasu Case, has categorically held that High Courts 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 the alternative remedy provided under Section 154 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 stands dismissed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr/mkn
To

1. The Superintendent of Police,
CBCID, Iyyanaarkoil Street,
Iyyanaarkoil Nagar,
Orleanpet,
Puducherry - 605 001.

2. The Inspector of Police,
CBCID, Iyyanaarkoil Street,
Iyyanaarkoil Nagar,
Orleanpet,
Puducherry - 605 001.

3. The Public Prosecutor,
Puducherry.

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VBM(CO)
SP(03/06/2021)