

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2021

CORAM

THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.9741 of 2021

Nishaanth

... Petitioner

Vs

1. The State of Tamil Nadu
Represented by the Superintendent of Police,
Krishnagiri District
Krishnagiri.

2. The State of Tamil Nadu,
Represented by Sub Inspector of Police,
Nagarasampatty Police Station,
Krishnagiri District
Krishnagiri.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to register the petitions/complaints dated 27.04.2021 vide CSR No.128/2021 and 06.05.2021, to conduct enquiry and investigate the same.

For Petitioner : Mr.VK.Vijayaragavan

For Respondents : Mr.A.Damodaran for R1 and R2
Counsel for Govt. of
Tamilnadu (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondents to register the petition/complaint dated 27.04.2021 vide CSR No.128/2021, to conduct enquiry and investigate the same.

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.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

msv

To

1.The Superintendent of Police,
State of Tamil Nadu
Krishnagiri District
Krishnagiri.

2.The Sub Inspector of Police,
State of Tamil Nadu,
Nagarasampatty Police Station,
Krishnagiri District
Krishnagiri.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.K.Vijayaragavan, Advocate, S.R.No. 27505

SJ(CO)
GN(08/07/2021)

Cr1.O.P.No.9741 of 2021

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