

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.9804 of 2021

1.E.Sekhar

2.S.Sethulakshmi

... Petitioners

Vs

1. The Superintendent of Police,
Office of the Superintendent of Police,
Mettupalayam, Puducherry.

2. The State of Puducherry,
Rep by the Inspector of Police,
Mettupalayam Police Station,
Mettupalayam, Puducherry.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 2nd respondent police to register the case based on the complaint lodged by the petitioners dated 14.04.2021 on the file of the 2nd respondent Police.

For Petitioners : Mr.D.Babu Varadharajan

For Respondents : Mr.Bharatha Chakravarthy
Public Prosecutor (Pondy)

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent police to register the case based on the complaint lodged by the petitioners dated 14.04.2021 on the file of the 2nd respondent Police.

2.Heard the learned counsel for the petitioners and the learned Public Prosecutor (Pondy) 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 Cr1

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.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

msv
To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Mettupalayam, Puducherry.
2. The Inspector of Police,
State of Puducherry,
Mettupalayam Police Station,
Mettupalayam, Puducherry.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.9804 of 2021

MG(CO)
LS(13/07/2021)

WEB COPY