



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9984 of 2021

Paiyappa

... Petitioner

Versus

The State rep.by
The Inspector of Police,
Soolagiri Police Station,
Soolagiri Taluk,
Krishnagiri District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the petitioner's complaint dated 11.05.2021 and file an FIR.

For Petitioner : Mr.R.Jayaprakash

For Respondents: Mr.A.Damodaran
Government Advocate
(Crl.Side)

ORDER

This petition has been filed to direct the respondent to register an FIR based on the petitioner's complaint dated 11.05.2021.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) appearing on behalf of the respondent.

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(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Soolagiri Police Station,
Soolagiri Taluk,
Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Jayaprakash, Advocate Sr.27907

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