



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.13869 of 2021

Mohammed Lukman

... Petitioner

Versus

1. State Represented by
The Superintendent of Police,
Coimbatore District
Coimbatore.
2. The Deputy Superintendent of Police,
Pollachi,
Coimbatore District.
- 3.The Inspector of Police,
Mahalingapuram Police Station,
Pollachi
Coimbatore District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to issue necessary direction to the 3rd respondent to register the case on the complaint of the petitioner dated 20.07.2021 and file FIR.

For Petitioner : Mr.M.Palanivel

For Respondents : Mr.R.Vinothraja
Government Advocate (Cr1.Side)

ORDER

This petition has been filed to direct the 1st respondent to issue necessary direction to the 3rd respondent to register



the case on the complaint of the petitioner dated 20.07.2021 and file FIR.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1.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 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 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-VI)

// True Copy //

Sub Assistant Registrar

sms/gv

To

1. The Superintendent of Police,
Coimbatore District
Coimbatore.
2. The Deputy Superintendent of Police,
Pollachi,
Coimbatore District.



3.The Inspector of Police,
Mahalingapuram Police Station,
Pollachi
Coimbatore District.

4.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.13869 of 2021

PA(CO)
B.VC (18/10/2021)