

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.16357 of 2020

T.G.Raja
S/o.T.Govindan

...Petitioner

Vs

1. The Superintendent of Police,
District Superintendent office,
Thirupathur,
Thirupathur District.

2. The Inspector of Police,
Thirupathur Taluk Police Station,
Thirupathur,
Thirupathur District.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent police to register a case based on the petitioners complaint dated 15.09.2020 and to investigate the same.

For Petitioner : Mr.C.S.Vijayakumar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to direct the first respondent Police to register a case based on the petitioner's complaint dated 15.09.2020, pending on the file of the first respondent Police.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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.

05.01.2021

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order

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To

1. The Superintendent of Police,
District Superintendent office,
Thirupathur,
Thirupathur District.

2. The Inspector of Police,
Thirupathur Taluk Police Station,
Thirupathur,
Thirupathur District.

3. The Public Prosecutor,
High Court of Madras.

N. ANAND VENKATESH, J.

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