



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17846 of 2020

1.S.Dasarathan
2.Rajammal
3.D.Ganesan

Petitioners

vs.

1.The Superintendent of Police
Office of the Superintendent of Police
Dharmapuri Taluk and District.

2.Inspector of Police,
D-1, Dharmapuri Police Station
Dharmapuri.

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the petitioner's complaint/representation dated 02.03.2020 and take action against the accused persons, 1.D.Selvadurai, 2.Amutha, W/o D.Selvadurai, 3.Raja, S/o Dasarathan, 4.Arjunan, S/o Sagadevan, all are residing at Melnaichampatti Village, Chettikarai Post, Dharmapuri Taluk and District and to conduct proper enquiry and investigate the same.

For Petitioners: MrK.Devaraj

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

ORDER

This petition has been filed to direct the 2nd respondent Police to register a case based on the petitioner's complaint dated 02.03.2020, pending on the file of the 2nd respondent Police.

2. Heard the learned counsel for the petitioner and the learned Government 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 CrI 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-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police
Office of the Superintendent of Police
Dharmapuri Taluk and District.

2.Inspector of Police,
D-1, Dharmapuri Police Station
Dharmapuri.

3.The Public Prosecutor
High Court of Madras.

CrI.O.P No.17846 of 2020

RSI (CO)
CB(02/02/2021)