



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15145 of 2021

S.Kamaraj.

... Petitioner

Versus

The State:

Rep. by its Inspector of Police,
Land Grabbing Cell,
O/o the Superintendent of Police,
Police Head Quarter
Perambalur & Tk & Dist.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the FIR on the complaint in person dated 08.06.2021 and also sent by registered post on 12.07.2021.

For Petitioner : Mr.P.Vijendran

For Respondent : Mr.A.Damodaran,
Government Advocate (Crl.side)

ORDER

(This case has been heard through video conference)

The petitioner had filed this petition to direct the respondent to register the FIR on his complaint dated 08.06.2021 pending on the file of the respondent Police.

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 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 IX)

//True Copy//

Sub Assistant Registrar

mrp/mpl

To

1. The Inspector of Police,
Land Grabbing Cell,
O/o the Superintendent of Police,
Police Head Quarter
Perambalur & Tk & Dist.

2. The Public Prosecutor,
High Court, Madras

+1CC to Mr.P.Vijendran, Advocate, Sr.No.44161

CRL.O.P.No.15145 of 2021

GMR (CO)

K.RK. (05.10.2021)