



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

WEB COPY

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16399 of 2021

Masilamai

....Petitioner

Versus

1.The Superintendent of Police
Tiruvannamalai
Tiruvannamalai District.

2.The Deputy Superintendent of Police
Tiruvannamalai
Tiruvannamalai District.

3.The Inspector of Police
Keezhpennathur Police Station
Tiruvannamalai Taluk & District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent police to register the FIR on the complaint dated 25.07.2021.

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.R.Vinoth Raja

Government Advocate (Cr1.Side)

ORDER

This petition has been filed to direct the third respondent police to register the FIR on the complaint dated 25.07.2021.

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 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-VI)

// True Copy //

Sub Assistant Registrar

dna

To

1.The Superintendent of Police

Tiruvannamalai

Tiruvannamalai District.

2.The Deputy Superintendent of Police

Tiruvannamalai, Tiruvannamalai District.

3.The Inspector of Police

Keezhpennathur Police Station

Tiruvannamalai Taluk & District.

4.The Public Prosecutor

High Court, Madras.

+1CC to Mr.R.Rajarajan, Advocate, SR.No. 48464

CRL.O.P.No.16399 of 2021

GMR(CO)

B.VC (18/10/2021)