



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16672 of 2021

L.Abhinav

... Petitioner

Versus

1.The State rep.by

The Commissioner of Police,
Police Commissioners office,
Coimbatore-641018.

2.The Inspector of Police,

Anti-Land grabbing Cell,
Police Commissioners office,
Coimbatore.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue directions, directing the respondent police to take action against the said accused name Balaji S/o Suruli Vel on the basis of the complaint lodged by the petitioner on 10.08.2021 to conduct the enquiry and investigate the same in accordance with and pass such further or other orders.

For Petitioner : Mr.T.Elumalai

For Respondents : Mr.A.Damodaran
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the respondent police to take action against the said accused name Balaji S/o Suruli Vel on the basis of the complaint lodged by the petitioner on 10.08.2021 to conduct the enquiry and investigate the same in accordance with.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.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 II)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Commissioner of Police,
Police Commissioners office,
Coimbatore-641018.

2.The Inspector of Police,
Anti-Land grabbing Cell,
Police Commissioners office,
Coimbatore.

3.The Public Prosecutor,
High Court,
Madras.

+1cc to Mr.T.Elumalai, Advocate Sr No.47715

CRL.O.P.No.16672 of 2021

SJ (CO)
PR (11/10/2021)