



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.16656 of 2021

S.Abbas

...Petitioner

Versus

State rep. by:-

1. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
2. The Asst. Superintendent of Police,
Polur Division,
Thiruvannamalai District.
3. The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the FIR against the said M.H.Jawahirullah and his men's, based on the petitioner's complaint dated 10.08.2021 and 16.08.2021 in C.S.R.No.317 of 2021.

For Petitioner	:	M/s.M.Mohamed Riyas
For Respondents	:	Mr.A.Damodaran, Additional Public Prosecutor
For Intervenor	:	Mr.M.Mohamed Riyaz

ORDER

This petition has been filed to direct the 2nd respondent to register the FIR against the said M.H.Jawahirullah and his men's, based on the petitioner's complaint dated 10.08.2021 and 16.08.2021 in C.S.R.No.317 of 2021.

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 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(CO)

//True Copy//

Sub Assistant Registrar

drm/sms

To

1. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.
2. The Asst. Superintendent of Police,
Polur Division,
Thiruvannamalai District.
3. The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District.
4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.16656 of 2021

MG(CO)
RGA(06/10/2021)