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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16444 of 2021

Dr.R.Dhanabal.

... Petitioner

Versus

The State rep.by its
Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register a case in CSR No.270/2020 and investigate the case on the complaint of the petitioner within a time limit prescribed by this Hon'ble Court to secure the ends of Justice.

For Petitioner : Mr.M.Palanimuthu.

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

ORDER

This petition has been filed to direct the respondent Police to register a case in CSR No.270/2020 dated 16.09.2020 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 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 Crl 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.

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4. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mrp/mpl

To

1. The Inspector of Police,
Adiyamankottai Police Station,
Dharmapuri District.
2. The Public Prosecutor, High Court, Madras.

CRL.O.P.No.16444 of 2021

GPL(CO)
B.VC(07.10.2021)