



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.16793 OF 2021

R.Perumatha

... Petitioner

Versus

State rep by
The Inspector of Police,
Athiyamankottai 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.189/2021 dated 08.08.2021 and investigate the case on the complaint of the petitioner at 06.08.2021 within a time limit prescribed by this Hon'ble Court to secure the ends of justice.

For Petitioner : M/s.M.Palanimuthu

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Cr1 Side)

ORDER

This petition has been filed to direct the respondent police to register a case in CSR. No.189/2021 dated 08.08.2021 and investigate the case on the complaint of the petitioner at 06.08.2021 within a time limit prescribed by this Hon'ble Court to secure the ends of justice.

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(CS-II)

// True Copy //

Sub Assistant Registrar

drm/sms

To

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

Cr1.0.P.No.16793 of 2021

GPL(CO)
RLP(06/10/2021)