

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.18264 of 2020

Pazhani

...Petitioner

.Vs.

1. The State rep.by
The Superintendent of Police
Tiruvannamalai,
Tiruvannamalai District.
2. The State rep.by
The Deputy Superintendent of Police
Tiruvannamalai,
Tiruvannamalai District.
3. The State rep.by
The Inspector of Police
Sengam Police Station,
Tiruvannamalai District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register the complaint dated 04.08.2020 and investigate the matter in accordance with the law.

For Petitioner : Mr.S.Arokiamaniraj

For Respondents : Mr.M.Mohamed Riyaz
(Crl.Side)

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondents to register the FIR, based on the petitioner's complaint dated 09.10.2020.

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 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.

4.This Criminal Original Petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

KP
To

1.The Superintendent of Police
Tiruvannamalai,
Tiruvannamalai District.

2.The Deputy Superintendent of Police
Tiruvannamalai,
Tiruvannamalai District.

3.The Inspector of Police
Sengam Police Station,
Tiruvannamalai District.

4.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.Arokiamaniraj, Advocate sr 616.

CRL.O.P.No.18264 of 2020

SSI (CO)
SP(25/01/2021)