

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18281 of 2020

Manimaran

.. Petitioner

vs.

State rep.by

1.The Sub Inspector of Police,
Vada Ponparappi Police Station,
Kallakurichi District.

2.The Superintendent of Police,
Kallakurichi District.
Kallakurichi.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to register and investigate the petitioner's complaint dated 16.09.2020 pending on the file of the Sub Inspector of Police, Vadaponparappi Police Station, Kallakurichi District.

For Petitioner : Mr.V.Perarasu

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

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to register and investigate the petitioner's complaint dated 16.09.2020, pending on the file of the 1st respondent.

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.

This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

- 1.The Sub Inspector of Police,
Vada Ponparappi Police Station,
Kallakurichi District.
- 2.The Superintendent of Police,
Kallakurichi District.
Kallakurichi.
- 3.The Additional Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Perarasu, Advocate, S.R.No.331

Cr1.O.P No.18281 of 2020

RSV(CO)
GN(01/02/2021)

WEB COPY