



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.16736 of 2021

P.Prakasan

... Petitioner

Versus

1.The Superintendent of Police,
O/o. Superintendent of Police,
Railway Station Road,
Coimbatore- 641 018.

2.The Inspector of Police,
Kinathu Kadavu Police Station,
Pollachi Main Road,
Coimbatore.

... 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 accused viz., (1) Tony T.A. (2) Rosamma Tony and (3) Jose Tony, on the basis of the petitioner's complaint dated 30.08.2021.

For Petitioner : M/s.B.Manimaran

For Respondents: Mr.S.Vinoth Kumar,
Government Advocate (Crl Side)

ORDER

This petition has been filed to direct the 2nd respondent to register the FIR against the accused viz., (1) Tony T.A. (2) Rosamma Tony and (3) Jose Tony, on the basis of the petitioner's complaint dated 30.08.2021.

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 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.

Sd/-
Deputy Registrar (CS)

//True copy//

Sub Assistant Registrar

drm/sms

To

1.The Superintendent of Police,
O/o. Superintendent of Police,
Railway Station Road,
Coimbatore- 641 018.

2.The Inspector of Police,
Kinathu Kadavu Police Station,
Pollachi Main Road,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.B.Manimaran, Advocate SR.No.47362

CRL.O.P.No.16736 of 2021

SJ(CO)
GMY(24/09/2021)