



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17238 of 2021

Ezhumalai

...Petitioner

Versus

1. The State rep. By
The Superintendent of Police,
Kallakurichi,
Kallakurichi District.

2. The State rep. By
The Inspector of Police,
Elavansurkottai police Station,
Elavansurkottai,
Kallakurichi District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the petitioner complaint on the basis of the complaint given by the petitioner dated 14.08.2021 and CSR.No.252 of 2021 and file an FIR.

For Petitioner : Mr. D.Arun

For Respondents : Mr.R.Vinothraja
Gov. Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

This petition has been filed to direct the 2nd respondent Police to register a case based on the petitioner's complaint dated 14.08.2021 pending on the file of the 2nd respondent Police.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal 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.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rpp/nr

To

1. The Superintendent of Police,
Kallakurichi,
Kallakurichi District.
2. The Inspector of Police,
Elavansurkottai police Station,
Elavansurkottai,
Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.17238 of 2021

CP[co]
NSK 12/10/2021