



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17074 OF 2021

V. Palanivel.

... Petitioner

Versus

1. State rep. by
Inspector of Police,
Manalurpet Police Station
Kallakurichi District.

2. The Superintendent of Police,
Kallakurichi District.

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to take proper legal action against all the accused persons as per the communication sent by the Revenue Authorities dated 3/9/2021 and on the complaint given by the petitioner dated 7/7/2021 to the 2nd respondent.

For Petitioner : Mr.V.Balu.

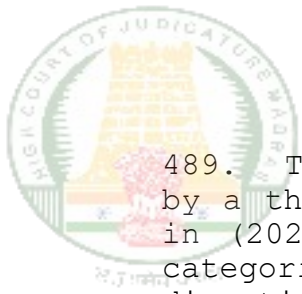
For Respondents: Mr.R.Vinoth Raja,
Government Advocate (crl.side)

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 07.07.2021 pending on the file of the 1st respondent Police.

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



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 VIII)

//True Copy//

Sub Assistant Registrar

mpl

To

1. The Inspector of Police,
Manalurpet Police Station
Kallakurichi District.
2. The Superintendent of Police,
Kallakurichi District.
3. The Public Prosecutor,
High Court, Madras-104.

+1cc to Mr.V.Balu, Advocate, S.R.No.48403

CRL.O.P.No.17074 of 2021

AJS (CO)
CS/20/10/2021