



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.20036 of 2021

R.Ponnusamy

...Petitioner

Versus

The State rep by
The Inspector of Police (L&O),
Kovil Palayam Police Station,
141, Thudiyalur Road,
Coimbatore District- 641 107.

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register the FIR based on the petitioner's complaint dated 25.06.2017 in C.S.R.No.191 of 2017 made to the respondent police on merits in accordance with law.

For Petitioner : Mr.R.Krishnamurthy

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Cr1. side)

ORDER

This petition has been filed to direct the respondent police to register the FIR based on the petitioner's complaint dated 25.06.2017 in C.S.R.No.191 of 2017 made to the respondent police on merits in accordance with law.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondent.

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 Cr1 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

drm/sms

To

1.The Inspector of Police (L&O),
Kovil Palayam Police Station,
141, Thudiyalur Road,
Coimbatore District- 641 107.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Krishnamurthy, Advocate SR.No.56504

CRL.O.P.No.20036 of 2021

PM(CO)
RVM(30/11/2021)