

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 01.02.2021
CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.18572 of 2020

R.Gunasekaran

.. Petitioner

Vs.

1. The Superintendent of Police,
Office of Superintendent of Police,
Thiruvarur & District.
2. The Deputy Superintendent of Police,
District Crime Branch,
Thiruvarur & District.
3. The Inspector of Police, (Crime Branch)
Kudavasal Police Station,
Kudavasal, Thiruvarur District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents 2 and 3 to take further action on M.Rajamanickam the president of Perumpannaiyur Primary Agricultural Co-Operative society in Thiruvarur District, Former Secretary U.Jayaraj, the present Secretary N.Sudhakar, Field Officer R.Manoharan, Deputy Registrar C.Madhivanan and Zonal Joint Co-operative Registrar G.Gandhinathan on line complaint given by the petitioner dated 22.01.2020 in accordance with law.

For Petitioner : Mr.M.Tamizavel

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

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O R D E R

This petition has been filed to direct the respondents 2 and 3 to take further action on M.Rajamanickam the president of Perumpannaiyur Primary Agricultural Co-Operative society in Thiruvarur District, Former Secretary U.Jayaraj, the present Secretary N.Sudhakar, Field Officer R.Manoharan, Deputy Registrar C.Madhivanan and Zonal Joint

Co-operative Registrar G.Gandhinathan on line complaint given by the petitioner dated 22.01.2020 in accordance with law.

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 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.

This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS.VIII)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of Superintendent of Police,
Thiruvarur & District.
2. The Deputy Superintendent of Police,
District Crime Branch, Thiruvarur & District.
3. The Inspector of Police, (Crime Branch)
Kudavasal Police Station,
Kudavasal, Thiruvarur District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Thamizhavel, Advocate SR.No.5166
AKM/26.2.21 /2P-6C/

CrI.O.P.No.18572 of 2020