

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18476 of 2020

Kamaleshwaran

Petitioner

vs.

Inspector of Police,
Podhanur Police Station,
Coimbatore,
Coimbatore District.

Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to take further action on the petitioner's complaint vide CSR No.449/2020 dated 16.10.2020 lodged by the petitioner, enquire the case in accordance with law.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.M.Mohamed Riyaz
(Crl.Side)
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent police to take further action on the petitioner's complaint vide CSR No.449/2020 dated 16.10.2020.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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 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.

This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS II)

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To

Sub Assistant Registrar

1. Inspector of Police,
Podhanur Police Station,
Coimbatore,
Coimbatore District.

2. The Additional Public Prosecutor,
High Court, Madras.

CrI.O.P No.18476 of 2020

rsv(CO)
rv(08/02/2021)



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