



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.18005 OF 2021

K. Moorthy
S/o. S. Karuppusamy

... Petitioner

Versus

State rep. by Inspector of Police,
Pallavaram Police Station,
Pallavaram, Chennai - 600 043.

... Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the petitioner's complaint dated 20.07.2021 vide CSR.No.730 of 2021 dated 31.07.2021 and file a FIR.

For Petitioner : Mr.S.Vijayakumar

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

ORDER

This petition has been filed to direct the respondent to register the petitioner's complaint dated 20.07.2021 vide CSR.No.730 of 2021 dated 31.07.2021 and file a FIR.

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 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

//True Copy//

Sub Assistant Registrar

sp/rpp

To

1. The Inspector of Police,
Pallavaram Police Station,
Pallavaram, Chennai - 600 043.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.52600

CRL.O.P.No.18005 of 2021

RK(CO)
PM/25/10/2021