



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17410 of 2021

T.Jayakumar,
S/o. Thirumurthy Gounder

.. Petitioner

Versus

State rep. by
Inspector of Police,
Pollachi Town Police Station,
Pollachi, Tamil Nadu.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to pass an order directing the respondent to register the case on the complaint dated 04.08.2021 and C.S.R.No.128 of 2021 dated 17.08.2021 against the said Balakrishnan, Agathursamy, Muthukumar, Muregesh and Kalimuthu under Sections 368, 406, 420, 423, 424, 468, 506(ii) I.P.C. r/w 120-B of I.P.C.

For Petitioner : Mr.R.C.Paul Kanagaraj
For Respondents : Mr.R.Vinoth Raja
Govt. Advocate (Crl.side)

ORDER

(This case has been heard through video conference)

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 04.08.2021 pending on the file of the respondent Police.

2. Heard the submissions of 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 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-CCC)

// True Copy //

Sub Assistant Registrar

rpp/nr

To

1. Inspector of Police
Pollachi Town Police Station,
Pollachi, Tamil Nadu.

2.The Public Prosecutor,
High Court, Madras.

+1CC to Mr.R.C.Paul Kanagaraj, Advocate, SR.No. 50672

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SV(CO)
B.VC (22/10/2021)