

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.19750 of 2020

Rajendra Kumar

... Petitioner

vs.

The Inspector of Police,
Villianur Police Station,
Villianur,
Puducherry - 605 110.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to pass an order of direction directing the respondent to register a case based upon the petitioner's complaint dated 18/10/2020.

For Petitioner : Mr.M.Madhu Prakash

For Respondent : Mr.Mohammed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 18.10.2020, pending on the file of the respondent Police.

2.Heard the learned counsel appearing 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

//True Copy//

Sub Assistant Registrar

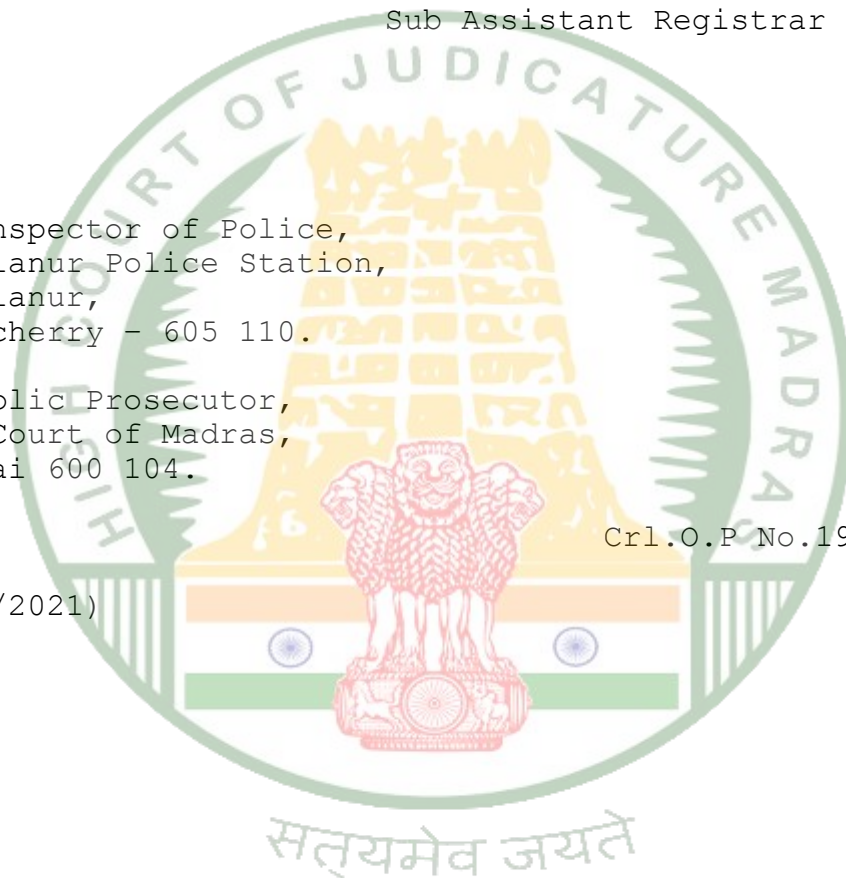
jv

To

1. The Inspector of Police,
Villianur Police Station,
Villianur,
Puducherry - 605 110.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

AK(CO)
RMP(03/02/2021)

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