



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17524 of 2021

S. Madhupaiyan
S/o.Sundharam

...Petitioner

Versus

1.State rep. By
The Superintendent of Police,
Tiruppur District,
Tiruppur.

2.The Deputy Superintendent of Police,
Kangayam,
Tiruppur District.

3.The Inspector of Police,
Kankeyam Police Station,
Tiruppur District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to pass an appropriate order or direction, directing the 3rd respondent to register the FIR on the complaint of the petitioner dated 27.07.2021 and investigate the same in accordance with law.

For Petitioner : Mr.M.Vijaya Ragavan
For Respondents: Mr.R.Vinothraja
Gov. Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

This petition has been filed to direct the 3rd respondent Police to register a case based on the petitioner's complaint dated 27.07.2021 pending on the file of the 3rd respondent Police.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) 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 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.

s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

rpp/nr
To

- 1.The Superintendent of Police,
Tiruppur District,
Tiruppur.
- 2.The Deputy Superintendent of Police,
Kangeyam,
Tiruppur District.
- 3.The Inspector of Police,
Kankeyam Police Station,
Tiruppur District.
- 4.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.M.Vijaya Ragavan, Advocate Sr 51217.

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PMK (CO)
SP(20/10/2021)