



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17808 of 2021

M.Syed Raguman

....Petitioner

Versus

1.The Commissioner of Police,
Salem City,
Line Medu,
Salem-636 006.

2.The Inspector of Police,
Central Crime Division,
Salem District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue direction directing the 2nd respondent to register a case on the petitioner's complaint dated 09.08.2021 and proceed with investigation in accordance with law.

For Petitioner : Mr.R.Marudhachalamurthy
For Respondents: Mr.R.Vinothraja
Govt. Advocate (Crl.Side)

ORDER

This petition has been filed to issue direction directing the 2nd respondent to register a case on the petitioner's complaint dated 09.08.2021 and proceed with investigation in accordance with law.

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 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.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

nr/sms

To

1.The Commissioner of Police,
Salem City,
Line Medu,
Salem-636 006.

2.The Inspector of Police,
Central Crime Division,
Salem District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No. 51809

CRL.O.P.No.17808 of 2021

KSM(CO)
GN(26/10/2021)