

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.19313 of 2020

S.Sukumaran,
S/o.C.Subramaniyan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Nagapattinam District.

2.The Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C. to issue a direction directing the respondent No.1 to withdraw the petitioner's complaint dated 26.09.2020 pending before the Respondent No.2 and entrust the same to any other officer not below the rank of Deputy Superintendent of Police for investigation of the complaint based on the petitioner's representation dated 28.10.2020, by this Hon'ble Court.

For Petitioner : Mr.M.Selvakumar

For Respondents: Mr.M.Mohamed Riyaz,

Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to withdraw the petitioner's complaint dated 26.09.2020 pending before the 2nd respondent and entrust the same to any other officer not below the rank of Deputy Superintendent of Police for investigation of the complaint based on the petitioner's representation dated 28.10.2020.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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.

This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Nagapattinam District.
- 2.The Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.
- 3.The Public Prosecutor,
High Court, Madras.

UM(CO)
RMP(05/02/2021)

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