

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.01.2021
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P. No.21054 of 2020

K.V.Krishnamoorthy

.. Petitioner

.vs.

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Perambalur, Perambalur District.

2. The Inspector of Police,
Kaikalathur Police Station,
Kaikalathur, Veppamthattai Taluk,
Perambalur District.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the respondents to register the petitioner complaint dated 18.11.2019 and take action against the accused person to conduct enquiry and the investigate the same in according with law.

For Petitioner : Mr.V.Ramalingam

For Respondents: Mr.M.Mohamed Riyaz, (Crl.Side)
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 2nd respondent to direct the respondents to register the petitioner complaint dated 18.11.2019 and take action against the accused person to conduct enquiry and the investigate the same in according with law.

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 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.

This Criminal Original Petition is disposed of accordingly.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

ssr

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Perambalur, Perambalur District.
2. The Inspector of Police,
Kaikalathur Police Station,
Kaikalathur, Veppamthattai Taluk,
Perambalur District.
3. The Public Prosecutor,
High Court of Madras,
Madras.

Cr1.O.P. No.21054 of 2020

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