

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20787 of 2020

Selvaraj

.. Petitioner

.vs.

1. The District Superintendent of Police, Villupuram District. .. Respondents
2. The Deputy Superintendent of Police, Kallakuruchi, Villupuram District.
3. The Inspector of Police, Kacharapalayam Police Station, Kallakuruchi District.

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd Respondent to register the F.I.R on the Petitioner's complaint dated 11.07.2019 in C.No.P2/26771/19, and pass such further or other orders as this Court may be pleased to deem fit.

For Petitioner : Mr.S.Gunaseelan

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

ORDER

This petition has been filed to direct the 3rd Respondent to register the F.I.R on the Petitioner's complaint dated 11.07.2019 in C.No.P2/26771/19.

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 (CS III)

// True Copy //

Sub Assistant Registrar

ssr

To

- 1.The District Superintendent of Police,
Villupuram District.
- 2.The Deputy Superintendent of Police,
Kallakuruchi,
Villupuram District.
- 3.The Inspector of Police,
Kacharapalayam Police Station,
Kallakuruchi District.
- 4.The Public Prosecutor,
High Court of Madras,
Madras.

Cr1.O.P.No.20787 of 2020

ssv (co)

UMY (11.02.2021)

सत्यमेव जयते

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