



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.0.P.No.18478 of 2021

P.Sivakami

... Petitioner

Versus

1.The Superintendent of Police,
Namakkal District,
Namakkal.

2.The Inspector of Police,
Rasipuram Police Station,
Rasipuram,
Namakkal District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent police to register the case on the complaint given by the petitioner dated 11-07-2020 and consequently take action as per law against the accused persons.

For Petitioner : Mr.R.Murugabharathi

For Respondents : Mr.R.Vinoth Raja,
Government Advocate (crl.side)

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 11.07.2020 pending on the file of the 2nd respondent Police.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.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.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

mpl

To

1.The Superintendent of Police,
Namakkal District,
Namakkal.

2.The Inspector of Police,
Rasipuram Police Station,
Rasipuram,
Namakkal District.

3. The Public Prosecutor,
High Court, Madras-104.

+1cc to Mr.R.Murugabharati, Advocate, S.R.No.53280

CRL.O.P.No.18478 of 2021

SSV(CO)
SB(26/10/2021)