

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
CrI.O.P. No.19689 of 2020

P.MUTHAMIZHSELVAN

.. Petitioner

.vs.

- 1 THE SUPERINTENDENT OF POLICE
THE SUPERINTENDENT OF POLICE OFFICE
THANJAVUR.
- 2 THE DEPUTY SUPERINTEND OF POLICE
THE SUPERINTEND OF POLICE OFFICE
KUMBAKONAM, THANJAVURE DISTRICT - 612 001.
- 3 THE INSPECTOR OF POLICE
THIRUVIDAMARUTHUR POLICE STATION,
MELSALAI OPPOSITE TO TALUK OFFICE,
THIRUVIDAIMARUTHUR
THANJAVURE DISTRICT - 612 104.

..Respondents

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent to register the case based upon the petitioner's complaint dated 08.10.2020 pending on the file of 3rd respondent and investigate the same in accordance with law.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

WEB COPY
ORDER

This petition has been filed to direct the 3rd respondent to register the case based upon the petitioner's complaint dated 08.10.2020 pending on the file of 3rd respondent and investigate the same in accordance 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 CrI 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 IX)

//True Copy//

Sub Assistant Registrar

mra
To

1

THE SUPERINTENDENT OF POLICE
THE SUPERINTENDENT OF POLICE OFFICE
THANJAVUR.

2

THE DEPUTY SUPERINTEND OF POLICE
THE SUPERINTEND OF POLICE OFFICE
KUMBAKONAM, THANJAVURE DISTRICT - 612 001.

3

THE INSPECTOR OF POLICE
THIRUVIDAMARUTHUR POLICE STATION,
MELSALAI
OPPOSITE TO TALUK OFFICE, THIRUVIDAIMARUTHUR
THANJAVURE DISTRICT - 612 104.

4.

THE PUBLIC PROSECUTOR,
HIGH COURT OF MADRAS,
MADRAS.

CrI.O.P. No.19689 of 2020

A.SK(03.02.2021) .