

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P. No.19890 of 2020

RADHAMANI

.. Petitioner

.vs.

1 STATE REP. BY ITS
THE COMMISSIONER OF POLICE
TIRUPPUR DISTRICT.

2 THE INSPECTOR OF POLICE
VELAMPALAYAM POLICE STATION
TIRUPPUR CITY
TIRUPPUR DISTRICT.

... Respondents

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the case against the persons on the basis of the petitioner's complaint dated 06.03.2020 to the respondent and investigate the matter in accordance with law.

For Petitioner : Mr.P.Kalimuthu

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

ORDER

This petition has been filed to direct the respondent to register the case against the persons on the basis of the petitioner's complaint dated 06.03.2020 to the respondent and investigate the matter 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/-
Asst. Registrar

//True Copy//

Sub Asst. Registrar

mra

To

1. THE COMMISSIONER OF POLICE
TIRUPPUR DISTRICT.
2. THE INSPECTOR OF POLICE
VELAMPALAYAM POLICE STATION
TIRUPPUR CITY
TIRUPPUR DISTRICT.
3. THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS
MADRAS.

Cr1.O.P. No.19890 of 2020

VC (11/02/2021)

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