

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P. No.19781 of 2020

Boobathy

..Petitioner

.vs.

1 THE DEPUTY SUPERINTENDENT OF POLICE
THITTAKUDI RANGE, CUDDALORE DISTRICT
CUDDALORE.

2 THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
RAMANATHAM POLICE STATION
CUDDALORE.

..Respondents

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register a case based on the complaint of the petitioner dated 17.09.2020 and file a FIR.

For Petitioner : Mr.K.Thenrajan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent to register a case based on the complaint of the petitioner dated 17.09.2020 and file a FIR.

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

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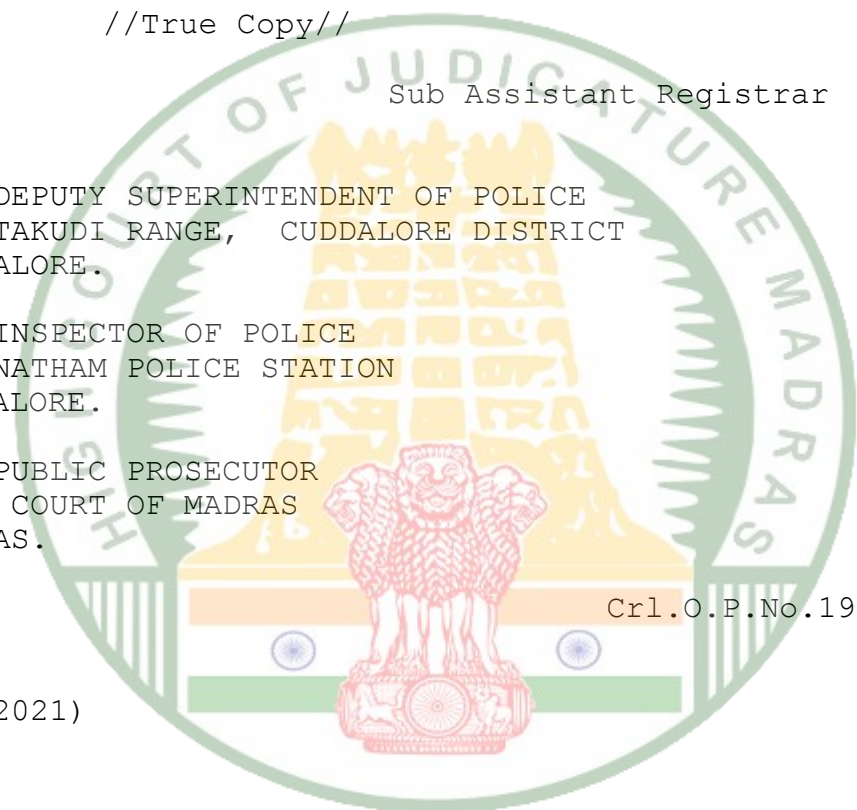
Sub Assistant Registrar

mra
To

- 1 THE DEPUTY SUPERINTENDENT OF POLICE
THITTAKUDI RANGE, CUDDALORE DISTRICT
CUDDALORE.
- 2 THE INSPECTOR OF POLICE
RAMANATHAM POLICE STATION
CUDDALORE.
3. THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS
MADRAS.

Cr1.O.P.No.19781 of 2020

sr (CO)
rv (01/02/2021)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is flanked by two green trees. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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