

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.19903 of 2020

S.SAROJA

.. Petitioner

.vs.

1 THE SUPERINTENDENT OF POLICE
ERODE DISTRICT, ERODE.

2 STATE BY
THE INSPECTOR OF POLICE
CHITODE POLICE STATION
ERODE DISTRICT.

.. Respondents

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the 2nd respondent to register the case on the basis of the complaint given by the petitioner dated 26.06.2020.

For Petitioner : Mr.S.Sivakumar

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

ORDER

This petition has been filed to direct the 2nd respondent to register the case on the basis of the complaint given by the petitioner dated 26.06.2020.

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

//True Copy//

Sub Assistant Registrar

mra

To

1 THE SUPERINTENDENT OF POLICE
ERODE DISTRICT, ERODE.

2 THE INSPECTOR OF POLICE
CHITODE POLICE STATION
ERODE DISTRICT.

3. THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS
MADRAS.

+1cc to Mr.K.T.S.Sivakumar, Advocate, S.R.No. 305

Cr1.O.P. No.19903 of 2020

MP (CO)
GN (03/02/2021)

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