



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.19268 OF 2021

Gopal

... Petitioner

Versus

The State, Rep. by
The Inspector of Police,
Ammamet Police Station,
Salem District.

... Respondent

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue direction to the respondent to register F.I.R based on the complaint of the petitioner dated 26.07.2021 for offence under Section 294 (b), 324, 506 (i) IPC.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This petition has been filed to issue direction to the respondent to register F.I.R based on the complaint of the petitioner dated 26.07.2021 for offence under Section 294 (b), 324, 506 (i) IPC.

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 Crl 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 V)

//True Copy//

Sub Assistant Registrar

Jeni

To

1. The Inspector of Police,
Ammamet Police Station,
Salem District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Vasudevan, Advocate, S.R.No.53987

CRL.O.P.No.19268 of 2021

AK-II(CO)
PBS/02/11/2021