

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.21087 OF 2020

P.Jayakumar

.. Petitioner

.vs.

State Represented by
Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
(CSR No.213/2020)

..Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Respondent Police to register an FIR against (1) Natrajan (2) Manimegalai in respect of the Petitioner's complainant dated 03.06.2020, pending on the files of Respondent Police.

For Petitioner : Mr.S.S.Karthikeyan

For Respondent : Mr.M.Mohamed Riyaz, (Crl.Side)
Additional Public Prosecutor

ORDER

This petition has been filed to direct the Respondent Police to register an FIR against (1) Natrajan (2) Manimegalai in respect of the Petitioner's complainant dated 03.06.2020, pending on the files of Respondent Police.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

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.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
2. The Public Prosecutor,
High Court of Madras,
Madras.

Cr1.O.P.No.21087 of 2020

SSI (CO)
CS/03/02/2021

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 in front of it. The lion capital is flanked by two red horses. Below the lion capital is a red wheel. The entire emblem is set against a background of green and white horizontal stripes. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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