



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.18992 of 2021

S.Premkumar

... Petitioner

Versus

State rep. by
The Inspector of Police,
Central Crime Branch,
Salem,
Salem District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register a case on the basis of the petitioner complaint dated 30.05.2021 and to investigate the same in accordance with law.

For Petitioner : Mr.G.Punniakoti

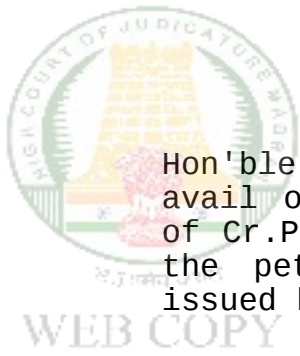
For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the respondent police to register an FIR in CSR No.219/2021 pursuant to the complaint dated 12.04.2021..

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) 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 Cr1 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-IV)

// True Copy //

Sub Assistant Registrar

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To

1.The Inspector of Police,
Central Crime Branch,
Salem,
Salem District.

2.The Public Prosecutor
High Court, Madras.

+1CC to M/s.G.Punniakoti, Advocate, SR.No. 53810

CRL.O.P.No.18992 of 2021

GPL(CO)
B.VC (29/10/2021)