

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.20446 of 2020

A.Kumarasan,
S/o.Annamalai Gounder.

...Petitioner

.Vs.

1.The Commissioner of Police,
Salem 636 006,
Salem District.

2.The Inspector of Police,
Veeranam Police Station,
Veeranam,
Salem District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register the complaint given by the petitioner on 11.11.2020.

For Petitioner : Mr.P.Ganesan

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent Police to register an FIR based on the petitioner's complaint dated 11.11.2020 pending on the file of the respondent police.

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.

This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Salem 636 006,
Salem District.

2.The Inspector of Police,
Veeranam Police Station,
Veeranam,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.20446 of 2020

RSV (CO)
GN (02/02/2021)

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