



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.19217 OF 2021

S.Sakthivel

... Petitioner

Versus

1. The Superintendent of Police,
Erode District,
Erode - 638 001.

2. The Inspector of Police,
Anthiyur Police Station,
Erode District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue direction to the respondents to register a case on the petitioner's complaint dated 25.08.2021 (CSR No. 183/2021) given to the 2nd respondent, investigate and file a final report.

For Petitioner : Mr.N.Manoharan

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

ORDER

This petition has been filed to issue direction to the respondents to register a case on the petitioner's complaint dated 25.08.2021 (CSR No. 183/2021) given to the 2nd respondent, investigate and file a final report.

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 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-VI)

// True Copy //

Sub Assistant Registrar

Jeni

To

1. The Superintendent of Police,
Erode District,
Erode - 638 001.
2. The Inspector of Police,
Anthiyur Police Station,
Erode District.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+1cc to Mr.N.Manoharan, Advocate, S.R.No.53826

CRL.O.P.No.19217 of 2021

SV-I(CO)
RLP(01/11/2021)