

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.20432 of 2020

A.Nagarajan

...Petitioner

.Vs.

The Inspector of Police,
Shevapet Police Station,
Shevapet,
Salem 636 002.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the first information report on petitioner complaint dated 28.11.2020 and to proceed with in accordance with law.

For Petitioner : Mr.C.Kanagaraju

For Respondent : Mr.M.Mohamed Riyaz (Crl.Side)

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent to register the first information report based on petitioner's complaint dated 28.11.2020.

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.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Inspector of Police,
Shevapet Police Station,
Shevapet,
Salem 636 002.

2.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.C. KANAGARAJ, Advocate, S.R.No.2100

SVI (CO)
SM/11/02/2021

सत्यमेव जयते

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