

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.20617 of 2020

T.D.Venkatesappa

.. Petitioner

.vs.

1. The Inspector of Police,
Hudco Police Station,
Hosur 635 109,
Krishnagiri District.

2. R.Muniraj

3. R.Nagaraj

4. R.Murugesh

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to register the complaint dated 05.01.2019 of the petitioner, and take necessary action against the respondents 2 to 4 herein in accordance with law.

For Petitioner : Mr.P.Mani

For Respondents: Mr.M.Mohamed Riyaz,

Addl. Public Prosecutor for R1

ORDER

This petition has been filed to direct the respondent to register a case based on the complaint dated 05.01.2019 of the petitioner and take necessary action against the respondents 2 to 4 herein in accordance with law.

2.Heard the learned counsel for the petitioner and the learned Addl. Public Prosecutor appearing on behalf of the 1st 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

//True Copy//

Sub Assistant Registrar

msr

To

1. The Inspector of Police,
Hudco Police Station,
Hosur 635 109,
Krishnagiri District.

2.The Public Prosecutor,
High Court of Madras,
Madras.

+1 cc to M/s.P.Mani, Advocate Sr.No. 572

RP (CO)
RMP (04/02/2021)

Cr1.O.P. No.20617 of 2020

सत्यमेव जयते

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