

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.20614 of 2020

D.Ashokan

.. Petitioner

.vs.

1.The Superintendent of Police,
Tirupattur District.

2.The Deputy Superintendent of Police,
District Crime Branch,
Tirupattur District.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent Police to register a case based on the petitioner's complaint dated 24.2.2020 given to the 1st respondent in person and subsequently forwarded to the 2nd respondent and investigate the same to meet the ends of justice.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondents: Mr.M.Mohamed Riyaz,
Addl. Public Prosecutor

ORDER

This petition has been filed to direct the 2nd respondent Police to register a case based on the petitioner's complaint dated 24.02.2020 given to the 1st respondent in person and subsequently forwarded to the 2nd respondent and investigate the same.

2.Heard the learned counsel for the petitioner and the learned Addl. 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 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 (CS-II)

//True Copy//

Sub Assistant Registrar

msr

To

- 1.The Superintendent of Police,
Tirupattur District.
- 2.The Deputy Superintendent of Police,
District Crime Branch,
Tirupattur District.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to M/s.A.Suresh Sakthi Murugan, Advocate SR.853

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VSN II (CO)
CB (01/02/2021)

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