



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21123 of 2021

M. Jayavel

... Petitioner

Vs.

1. The District Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2. The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri,
Dharmapuri District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the case based on the petitioner's complaint dated 29.08.2021 in CSR No. 358 of 2021 and to file a FIR.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.R.Vinothraja
Government Advocate [Crl. Side]

ORDER

This Criminal Original Petition has been filed to direct the respondent to register the case based on the petitioner's complaint dated 29.08.2021 in CSR No. 358 of 2021 and to file a FIR.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

3. This petition is not maintainable, in view of the Order passed by the 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

//True Copy//

Sub Assistant Registrar

rgi

To

1. The District Superintendent of Police,
Dharmapuri District,
Dharmapuri.
2. The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri,
Dharmapuri District.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.M.Selvam, Advocate, S.R.No.59130

CRL.O.P.No.21123 of 2021

GPL (CO)
SB(01/12/2021)