

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.01.2021
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.21067 of 2020

M.Venkatasamy

.. Petitioner

.vs.

1. The State Rep. by
The Superintendent of Police,
Krishnagiri District.
 2. The Deputy Superintendent of Police,
Denkanikottai Range,
Krishnagiri District.
 3. The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
- ..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent police to Register the FIR on the petitioner complaint dated 30.11.2020 and investigate the matter in accordance with law.

For Petitioner : Mr.T.Elumalai

For Respondents: Mr.M.Mohamed Riyaz, (Crl.Side)
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 3rd respondent police to Register the FIR on the petitioner complaint dated 30.11.2020 and investigate the matter in accordance with law.

2.Heard the learned counsel for the petitioner and the learned Additional 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 VI)

//True Copy//

Sub Assistant Registrar

ssr
To

1. The Superintendent of Police,
Krishnagiri District.
2. The Deputy Superintendent of Police,
Denkanikottai Range,
Krishnagiri District.
3. The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
- 4.The Public Prosecutor,
High Court of Madras,
Madras.

Pa co
A.SK(03.02.2021) .

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सत्यमेव जयते

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