

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.21070 of 2020

R.Ellappan

..Petitioner

.vs.

State: Rep. by
The Inspector of Police,
Muthigiri Police Station,
Muthigiri,
Krishnagiri District.

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to enquire and register the case based on complaint dated 06.11.2020.

For Petitioner : Mr.M.Selvam

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

ORDER

This petition has been filed to direct the respondent to enquire and register the case based on complaint dated 06.11.2020.

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 CrI 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//

SSR
To

Sub Assistant Registrar

1. The Inspector of Police,
Muthigiri Police Station,
Muthigiri,
Krishnagiri District.

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

+1cc to Mr.M.Selvam, Advocate, S.R.No.643

Crl.O.P. No.21070 of 2020

br(CO)
rv(09/02/2021)



WEB COPY