



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20149 of 2021

Machavallappan

... Petitioner

Versus

1.The Superintendent of Police,
District Police Office,
Villupuram District.

2.The Deputy Superintendent of Police,
Kottakuppam, Villupuram District.

3.The Inspector of Police,
F-5, Marakkanam,
Villupuram District - 604 303.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to direct the third respondent not to conduct Kangaroo Court and to register the FIR in SC/ST Act.

For Petitioner : Mr.M.Manikandhan

For Respondents: Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 1st respondent to direct the third respondent not to conduct Kangaroo Court and to register the FIR in SC/ST Act.

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.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sms

To

- 1.The Superintendent of Police,
District Police Office,
Villupuram District.
- 2.The Deputy Superintendent of Police,
Kottakuppam, Villupuram District.
- 3.The Inspector of Police,
F-5, Marakkanam,
Villupuram District - 604 303.
- 4.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.20149 of 2021

SVI(CO)
SB(17/11/2021)