



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.20158 of 2021

J.Ananthan

... Petitioner

Versus

The Superintendent of Police,
PCR Cell,
Dhanvanthri Nagar,
Gorimedu,
Pondicherry - 605 008.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the First Information Report based on the petitioner's complaint dated 29.07.2021, within time frame as fixed by this Court in circumstances of case.

For Petitioner : Mr.C.Anbu

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondicherry)

O R D E R

This petition has been filed to direct the respondent to register the First Information Report based on the petitioner's complaint dated 29.07.2021, within time frame as fixed by this Court in circumstances of case.

2.Heard the learned counsel for the petitioner and the learned Public Prosecutor (Pondicherry) appearing on behalf of the respondent.

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.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
PCR Cell,
Dhanvanthri Nagar,
Gorimedu,
Pondicherry - 605 008.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Anbu, Advocate Sr.56284

CRL.O.P.No.20158 of 2021

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srg 17/11/2021