

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P. No.21109 of 2020

Mr.Muthu

.. Petitioner

.vs.

The State Rep. by
Inspector of Police,
D3 Korattur Police Station,
Tiruvallur District.

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Respondent herein to register the F.I.R. in CSR No.1051/2020 dated 02.12.2020 pending on the file of the Respondent herein.

For Petitioner : Mr.E.Ezhil Caroline

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

ORDER

This petition has been filed to direct the Respondent herein to register the F.I.R. in CSR No.1051/2020 dated 02.12.2020 pending on the file of the Respondent herein.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ssr

To

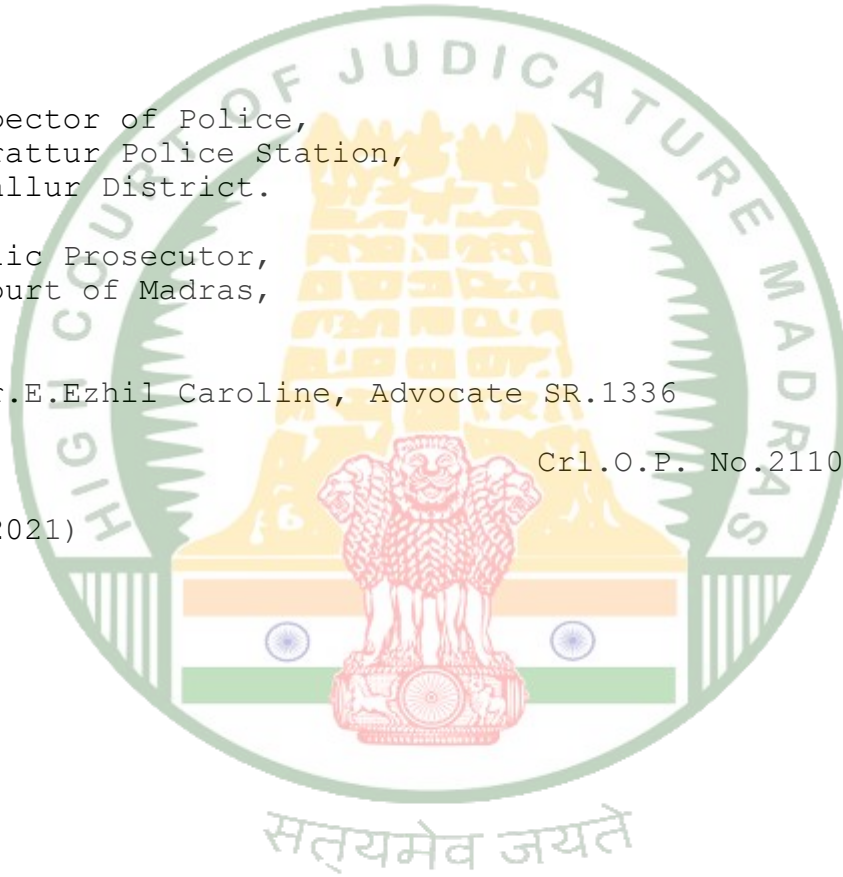
1.The Inspector of Police,
D3 Korattur Police Station,
Tiruvallur District.

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

+lcc to Mr.E.Ezhil Caroline, Advocate SR.1336

Crl.O.P. No.21109 of 2020

PA(CO)
CB(02/02/2021)



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