



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM:

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.1434 of 2022

Chinnavan
S/o Late.Chinnasamy

...Petitioner

Vs.

1.The State represented by
The Superintendent of Police,
Dharmapuri District.

2.The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.

...Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to issue direction, directing the respondents to register a case based on the complaint lodged by the petitioner dated 01.11.2021.

For Petitioner : Mr.V.Sakkarapani

For Respondents : A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents police to register a case/FIR against the accused persons based on the complaint of the petitioner dated 30.10.2021, which was duly acknowledged on the same date vide CSR.No.590 of 2021.

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 Hon'ble 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 Hon'ble Division Bench in the order referred supra.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

nst/arb

To

- 1.The Superintendent of Police,
Dharmapuri District.
- 2.The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
- 3.The Public Prosecutor,
High Court of Madras.

CRL.O.P.No.1434 of 2022

SS (CO)

PR (01/03/2022)