



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.1703 OF 2022

Vignesh
S/o Selvaraj

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Salem District.
2. The Inspector of Police,
District Crime Branch,
Superintendent of Police Office,
Salem District.

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to register the complaint based on the petitioner complaint date 11.12.2021 and investigate the matter in accordance with law.

For Petitioner : Mr.N.Siva

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 11.12.2021, which was duly acknowledged on 28.09.2021 vide CSR No.248 of 2021.

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

//True Copy//

Sub Assistant Registrar

nst/arb

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Salem District.
2. The Inspector of Police,
District Crime Branch,
Superintendent of Police Office,
Salem District.
3. The Public Prosecutor,
High Court of Madras.

CRL.O.P.No.1703 of 2022

SR(CO)
RLP(21/02/2022)