



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.1693 of 2022

Brahadeeshwaran
S/o.Subramani

... Petitioner

Vs.

State by,
The Inspector of Police,
Thiruvannamalai East Police Station,
Thiruvannamalai District,
CSR No.681 of 2021

... Respondent

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent police to register FIR and take necessary Action Against one Mrs.Rajalakshmi, W/o.Janagiraman, residing at No.207, Surya Nagar, Mariyamman Koil 12th Street, Thiruvannamalai District, based on the petitioner's Police Complaint in CSR No.681 of 2021 on the file of the Inspector of Police, Thiruvannamalai East Police Station, Thiruvannamalai District.

For Petitioner : Mr.S.Silamambu Selvan

For Respondent : A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent police to register a case/FIR against the accused persons based on the complaint of the petitioner dated 16.12.2021, which was duly acknowledged on the same date vide CSR No.681 of 2021.

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

3. This petition is not maintainable, in view of the Order passed by the Hon'ble Division Bench of this Court in



G.Prabhakaran v. The Superintendent of Police, Thanjavur, reported in (2018) 2 LW Cr1 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

// TRUE COPY //

SUB ASSISTANT REGISTRAR

nst/arb
To

1.The Inspector of Police,
Thiruvannamalai East Police Station,
Thiruvannamalai District.

2.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Silambu Selvan, Advocate Sr.8585

CRL.O.P.No.1693 of 2022

sv[co]
srg 25/02/2022