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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.2670 OF 2022

J.Loganathan

... Petitioner/De facto
Complainant

-Vs-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tirupatthur,
Tirupattur District.
2. The Deputy Superintendent of Police,
Office of the District Superintendent of Police,
Tirupatthur, Tirupattur District.
3. The Inspector of Police,
District Crime Branch,
Tirupatthur,
Tirupattur District.

... Respondents/Complainants

PRAYER:-

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to direct the 3rd respondent Police viz Inspector of Police, District Crime Branch, Tirupatthur, Tirupattur District to register a case based on the complaint given by him to the 1st respondent on 19.07.2021.

For Petitioner : Mr.S.Arivazhagan

For Respondent : Mr.V.Meghanathan
Government Advocate (Crl. side)

O R D E R

This petition has been filed seeking direction to the 3rd respondent Police to register a case based on the petitioner's complaint dated 19.07.2021.



2. Heard the learned Counsel for the petitioner and learned Additional Public Prosecutor for the respondents police.

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 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 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

vkrr

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tirupatthur,
Tirupattur District.
2. The Deputy Superintendent of Police,
Office of the District Superintendent of Police,
Tirupatthur,
Tirupattur District.
3. The Inspector of Police,
District Crime Branch,
Tirupatthur,
Tirupattur District.



4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Arivazhagan, Advocate, S.R.No.7950

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PMK (CO)
PBS/21/02/2022