



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.2791 OF 2022

1. R.Ganesan

2. G.Jagadeeshkumar

... Petitioners

-Vs-

1. The Superintendent of Police,
Namakkal,
Namakkal District.

2. The Inspector of Police,
District Crime Branch Police Station,
Namakkal District.

... Respondents

PRAYER:-

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to direct the respondents to register FIR on petitioner's complaint dated 06.12.2021 and investigate the same in accordance with law.

For Petitioners : Mr.R.Prabakar

For Respondents : Mr.V.Meghanathan
Government Advocate

O R D E R

This petition has been filed seeking direction to the respondents to register FIR on the petitioner's complaint dated 06.12.2021 and investigate the same in accordance with law.

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

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 IV)

//True Copy//

Sub Assistant Registrar

vkr

To

1. The Superintendent of Police,
Namakkal,
Namakkal District.
2. The Inspector of Police,
District Crime Branch Police Station,
Namakkal District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Prabakar, Advocate, S.R.No.8257

CRL.O.P.NO.2791 OF 2022

PL(CO)
PBS/18/02/2022