



WEB COPY

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.2636 OF 2022

P.Renuka

... Petitioner

-Vs-

1. The Superintendent of Police,
Krishnagiri District,
Pothinayanapally,
Jakkappan Nagar,
Krishnagiri - 635 001.

2. The State Rep. by
The Inspector of Police,
Krishnagiri Police Station,
(Crime No.6 of 2020)

... Respondents

PRAYER:-

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to direct the respondents to register an FIR on the basis of the complaint dated 03.12.2021 given by the petitioner and proceed to investigate the case in accordance with law.

For Petitioner : Mr.R.Harikrishnan

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

O R D E R

This petition has been filed seeking direction to the 2nd respondent Police to register a case/FIR against the accused persons based on the complaint of the petitioner dated 03.12.2021.

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 IV)

//True Copy//

Sub Assistant Registrar

vkr

To

1. The Superintendent of Police,
Krishnagiri District,
Pothinayanapally,
Jakkappan Nagar,
Krishnagiri - 635 001.
2. The Inspector of Police,
Krishnagiri Police Station,
(Crime No.6 of 2020)
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Govind Chandrasekhar, Advocate, S.R.No.8235

CRL.O.P.NO.2636 OF 2022

PL(CO)
PBS/18/02/2022