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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.2460 of 2022

Nagharajhan

... Petitioner

Vs.

1. State Represented by,
The Commissioner of Police,
O/o, The Commissioner of Police,
Coimbatore.
2. The Inspector of Police,
Pothanur Police Station,
Coimbatore District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondent police to register FIR on the petitioner's complaint dated 06.01.2022 immediately and investigate the same in accordance with law.

For Petitioner : Mr.R.Rajiv Gandhi

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

O R D E R

This Criminal Original Petition has been filed to direct the Respondent Police to register an FIR based on the petitioner's complaint dated 06.01.2022 and investigate the same.

2. The case of the petitioner is that he had made a complaint to the second respondent against one Praveena and one Karan for having threatened them to spoil their reputation and it was duly acknowledged on 18.10.2021 vide C.S.R.No.1350 of 2021. Since, no enquiry has been conducted by the second respondent, the petitioner has sent a representation to the first respondent on 06.01.2022 and even now, no action has been taken.

3. Learned Government Advocate (Crl.Side) would submit that the respondent have not approached the Commissioner of Police.



4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing on behalf of the respondent.

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5. 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 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 Division Bench in the order referred supra.

6. Accordingly, the Criminal Original Petition stands dismissed and the petitioner is granted liberty to approach the Judicial Magistrate concerned.

Sd/-

Assistant Registrar(CS-CCC)

//True copy//

Sub Assistant Registrar

ham/shk

To

1. The Commissioner of Police,
O/o, The Commissioner of Police,
Coimbatore.
2. The Inspector of Police,
Pothanur Police Station,
Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Rajiv Gandhi, Advocate SR.No.8073

Crl.O.P.No.2460 of 2022

PMK(CO)
GMY(21/02/2022)