



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.2840 OF 2022

Pon.Gangadharan

...Petitioner

-Vs-

1. The State
Rep by the Inspector of Police,
Koovathur Police Station,
Chengalpattu District.

2. Elumalai

3. Kavitha

..Respondents

Prayer :

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to direct the respondent herein to register the case on the petitioner complaint dated 28.10.2020 to investigate the same in accordance with law.

For Petitioner	:	Mr.N.Inbanathan
For Respondents	:	Mr.V.Meghanathan for R1 Government Advocate (Crl.Side)

O R D E R

This petition has been filed seeking direction to the 1st respondent to register the case on the petitioner's complaint dated 28.10.2020 to investigate the same in accordance with law.

2. Heard the learned Counsel for the petitioner and learned Government Advocate (Crl.Side) for the 1st respondent.

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 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.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jas/vkr

To

1. The Inspector of Police,
Koovathur Police Station,
Chengalpattu District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Dharani, Advocate, S.R.No.8806

Cr1.O.P.No.2840 of 2022

CP(CO)
PM/22/02/2022