



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.3699 of 2022

Rajendran,
S/o. Late Nateshan

... Petitioner

Vs.

State Represented by,
The Inspector of Police,
Kalambur Police Station,
Thiruvannamalai District.
(Crime No. Not Known of 2021)

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to register FIR based on the petitioner's Police Complaint dated 06.01.2022, on the file of the Inspector of Police, Kalambur Police Station, Thiruvannamalai District.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.V.Meganathan
Government Advocate (criminal side)

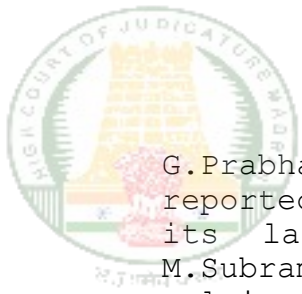
ORDER

This Criminal Original Petition has been filed, to direct the respondent police to register FIR based on the petitioner's Police Complaint dated 06.01.2022, on the file of the Inspector of Police, Kalambur Police Station, Thiruvannamalai District.

2. When the matter is taken up for hearing, Mr.V.Meganathan, learned Government Advocate (criminal side) would submit that on the complaint given by the petitioner, enquiry has been conducted in CSR No.761 of 2021 finding that it is the matter of civil dispute and the respondent is not registered the case.

3. Heard the learned Government Advocate (criminal side) for the respondent and perused the materials available on record.

4. This petition is not maintainable, in view of the Order passed by a Hon'ble 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 Hon'ble Division Bench in the order referred supra.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

shk/arb

To

1. The Inspector of Police,
Kalambur Police Station,
Thiruvannamalai District.

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Pushpakaran, Advocate, S.R.No.12285

+1cc to Mr.S.Silambuselvan, Advocate, S.R.No.11341

CrI.O.P.No.3699 of 2022

MT(CO)
CT 21/03/2022