



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

CORAM:

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

Crl.O.P.No.3014 of 2022

G.Murugesan

...Petitioner

Vs.

1. The Superintendent of Police,
Nethimedu,Salem,
Salem (Dt)-10.
2. The Deputy Superintendent of Police,
Omalur Police Station Circle,
Omalur Taluk,
Salem District.
3. The Inspector of Police,
Deevitipatti Police Station,
Kadaiyampatty (Tk),
Salem District.

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the third respondent to register an FIR based on the complaint dated 17.01.2022 given by the petitioner.

For Petitioner : Mr.M.Elango

For Respondents: Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the third respondent to register an FIR based on the complaint dated 17.01.2022 given by the petitioner.

2.The learned Additional Public Prosecutor for the respondents would submit that the petitioner claims right over the poramboke property and it is objected to by the villagers. The petitioner has given a complaint dated 17.01.2022 and finding that the property is a Government land, the complaint of the petitioner has been closed.



3. Heard the learned counsel 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-IX)

//True Copy//

Sub Assistant Registrar

vri/shk

To:

1. The Superintendent of Police,
Nethimedu, Salem, Salem (Dt)-10.
2. The Deputy Superintendent of Police,
Omalar Police Station Circle,
Omalar Taluk, Salem District.
3. The Inspector of Police,
Deevitipatti Police Station,
Kadaiyampatty (Tk),
Salem District.
4. The Public Prosecutor,
Madras High Court.

+1cc to M.Elango, Advocate, S.R.No.9376

CrI.O.P.No.3014 of 2022

PL(CO)
RGA(02/03/2022)