



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM:

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

CRL.O.P.NO.3300 OF 2022

D.Mangaldass Rajkumar

... Petitioner

.Vs.

1. The Superintendent of Police,
Salem District.

2. The Inspector of Police,
Mallaikarai Police Station,
Salem District.

...Respondents

PRAYER:-

This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondents herein viz., the Inspector of Police, Mallaikarai Police Station, Salem District to register a case based on the petitioner's complaint dated 24.01.2022 and take appropriate action in accordance with law.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.V.Meganathan
Government Advocate
(Criminal Side)

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondents herein viz., the Inspector of Police, Mallaikarai Police Station, Salem District to register a case based on the petitioner's complaint dated 24.01.2022 and take appropriate action in accordance with law.

2. Heard the learned counsel and perused the materials available on record.



3. 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.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vri/shk

To

1. The Superintendent of Police,
Salem District.
2. The Inspector of Police,
Mallaikarai Police Station,
Salem District.
3. The Public Prosecutor,
Madras High Court.

CRL.O.P.NO.3300 OF 2022

PL(CO)
PBS/15/03/2022