



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.No.3334 of 2022

Muthu Nayudu

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police to register the case on the complaint lodged by the petitioner on 07.01.2022 and investigate the case and deal with the accused in accordance with law.

For Petitioner : Mr.A.Vinu Pradha

For Respondent : Mr.V.Meganathan,
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to direct the direct the respondent police to register the case on the complaint lodged by the petitioner on 07.01.2022 and investigate the case and deal with the accused 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.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vri/shk

To

1.The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District.

2.The Public Prosecutor,
Madras High Court.

+1 cc to Mr.A.Vinu Pradha, Advocate Sr.NO. 9973

Cr1.O.P.No.3334 of 2022

PCH(CO)

A.SK(04/03/2022)