



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.3959 of 2022

S.Senthil Kumar,
S/o.Subramani

... Petitioner

Vs.

State represented by,
The Sub Inspector of Police,
V1 Vazhapadi Police Station,
Salem District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent/V1 Vazhapadi Police Station, Salem District to register an FIR based on the complaint by the Petitioner dated 26.08.2021.

For Petitioner : Mr.V.Arunagiri

For Respondent : Mr.A.Gokulakrishnan
Additional Public prosecutor

ORDER

This Criminal Original Petition has been filed, to direct the respondent/V1 Vazhapadi Police Station, Salem District to register an FIR based on the complaint by the Petitioner dated 26.08.2021.

2. Heard both sides 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 VII)

//True Copy//

Sub Assistant Registrar

shk/arb

To

1. The Additional District and Sessions Judge,
FTC.No.1, Salem.
2. The Sub Inspector of Police,
V1 Vazhapadi Police Station,
Salem District.
3. The Public Prosecutor,
Madras High Court.

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AK-II(CO)
CT 21/03/2022