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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. No.3214 of 2022

K.Rajena

... Petitioner

Vs.

1.The District Superintendent of Police,
Cuddalore District.

2.State represented by
The Inspector of Police,
U2-Cuddalore Port Police Station,
Throwpathai Amman Koil Street, Cuddalore Port,
Cuddalore.

3.Jebasingh Maduram

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to conduct enquiry pertaining to the petitioner's complaint dated 27.12.2021 and 26.01.2022 and further direct the 2nd respondent to register an FIR against the 3rd respondent in accordance with law.

For Petitioner : Mr.R.Abdul Mubeen

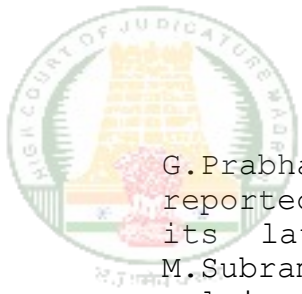
For R1 & R2 : Mr.V.Meghanathan
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed seeking a direction to the 2nd respondent to conduct enquiry pertaining to the petitioner's complaint dated 27.12.2021 and 26.01.2022 and further direct the 2nd respondent to register an FIR against the 3rd respondent.

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-VIII)

//True copy//

Sub Assistant Registrar

mkn

To

- 1.The District Superintendent of Police,
Cuddalore District.
- 2.The Inspector of Police,
U2-Cuddalore Port Police Station,
Throwpathai Amman Koil Street, Cuddalore Port,
Cuddalore.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Abdul Mubeen, Advocate SR.No.15146

CrI.O.P. No.3214 of 2022

NMI (CO)
GMY (18/03/2022)