



WEB COPY

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.4029 of 2022

K.Ezhumalai,
S/o.Kuppan

... Petitioner

Vs.

1. The Superintendent of Police,
Villupuram District.

2. The Inspector of Police,
Kiliyanoor Police Station,
Villupuram District.

3. Senthil,
S/o.Irusappan

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first and second respondents to investigate the matter and the complaint dated 06.09.2021 and to register an FIR under the SC and ST Act, 1989 as well as IPC.

For Petitioner : Mr.D.Vivekanandan

For Respondents : Mr.V.Meganathan
Government Advocate (criminal side)

ORDER

This Criminal Original Petition has been filed seeking for a direction, to direct the first and second respondents to investigate the matter and the complaint dated 06.09.2021 and to register an FIR under the SC and ST Act, 1989 as well as IPC.

2. When the matter is taken up for hearing, Mr.V.Meganathan, learned Government Advocate (criminal side) for the respondents would submit that based on the complaint given by the petitioner, enquiry was conducted in CSR No.776 of 2021 by the second respondent and the same has been closed.

3. Heard both sides 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 V)

//True Copy//

Sub Assistant Registrar

shk/arb

To

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

CrI.O.P.No.4029 of 2022

GPL(CO)
CT 15/03/2022