



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

W.P.No.4153 of 2022
and
W.M.P.No.4288 of 2022

Sengodan

... Petitioner

Vs.

1. The Superintendent of Police,
Superintendent office of Kallakurichi,
Kallakurichi District - 606 202.
2. The District Collector,
Kallakurichi District,
Kallakurichi - 606 202.
3. The District Registrar,
Kallakurichi District,
Kallakurichi - 606 202.
4. The Tahsildar,
Kallakurichi Taluk,
Kallakurichi District,
Kallakurichi - 606 202.

5. N.Palanisamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus or order, or direction in the nature of writ, directing the first respondent to take action against the 5th respondent on the basis of the representation dated 31.12.2021 under the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.

For Petitioner : Mr.S.Venkatesh

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

For R2 to R5 : No Appearance



O R D E R

This Writ Petition has been filed to direct the first respondent to take action against the 5th respondent on the basis of the representation dated 31.12.2021 under the Scheduled Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.

2. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that based on the complaint of the petitioner dated 31.12.2021, enquiry was conducted and closed. He would further submit that the petitioner instead of filing a petition to register a case as camouflaged had filed as a writ petition. and he would pray for dismissal of the petition.

3. Heard the learned counsel 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. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

ham/nr



To

1. The Superintendent of Police,
Superintendent office of Kallakurichi,
Kallakurichi District - 606 202.

2. The District Collector,
Kallakurichi District,
Kallakurichi - 606 202.

3. The District Registrar,
Kallakurichi District,
Kallakurichi - 606 202.

4. The Tahsildar,
Kallakurichi Taluk,
Kallakurichi District,
Kallakurichi - 606 202.

+1cc to Mr.S.Venkatesh, Advocate SR.No.13322

W.P.No.4153 of 2022
and
W.M.P.No.4288 of 2022

EV(CO)
GMY(17/03/2022)