



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.4543 OF 2022

P.Kandhasamy

... Petitioner

Vs.

State rep. by

1. The Superintendent of Police,
Office of the District Superintendent,
Coimbatore.
2. The Inspector of Police,
Madukkarai Police Station,
Coimbatore.

...Respondents

PRAYER:

The Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the 2nd respondent police to register the FIR in line with the petitioner's complaint dated 29.12.2021 vide CSR No.1 of 2022.

For Petitioner : Mr.W.Camyles Gandhi

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

O R D E R

The Criminal Original Petition has been filed seeking for a direction to the 2nd respondent police to register the FIR in line with the petitioner's complaint dated 29.12.2021 vide CSR No.1 of 2022.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (criminal side) 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's 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 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 III)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1. The Superintendent of Police,
Office of the District Superintendent,
Coimbatore.
2. The Inspector of Police,
Madukkarai Police Station,
Coimbatore.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.W.Camylen Gandhi, Advocate, S.R.No.12979

CrI.O.P.No.4543 of 2022

SR(CO)
PM/22/03/2022