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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6094 of 2022

and

Crl.M.P.No.3398 of 2022

G.Venkatesan

... Petitioner

Vs.

1.The Superintendent of Police,
Villupuram District.

2.The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram Taluk and District.

3.The Inspector of Police,
Villupuram West police Station,
Villupuram Taluk and District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to conduct enquiry, register the case and file final report before the appropriate Court.

For Petitioner : Mr.A.Ramalingam

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 respondent to conduct enquiry, register the case and file final report before the appropriate Court.



2. Heard the learned counsel for the petitioner and the learned Government Advocate (criminal side) and perused the materials available on record.

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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. In view of the above, this Criminal Original Petition is disposed of. The learned counsel for the petitioner seeks permission of this Court to withdraw CrI.M.P.No.3398 of 2022 and made endorsement to that effect. In view of the endorsement made by the learned counsel for the Petitioner, CrI.M.P.No.3398 of 2022 stands dismissed as withdrawn.

SD/-
ASSISTANT REGISTRAR

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SUB ASSISTANT REGISTRAR

shk/sai
To

- 1.The Superintendent of Police,
Villupuram District.
- 2.The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram Taluk and District.
- 3.The Inspector of Police,
Villupuram West police Station,
Villupuram Taluk and District.



4.The Public Prosecutor,
High Court of Madras.

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Crl.O.P.No.6094 of 2022