



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5409 of 2022

P.Krishnamoorthi

... Petitioner

Vs.

1. The Superintendent of Police,
Namakkal District,
Namakkal.

2. The Inspector of Police,
Senthamangalam Police Station,
Namakkal District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the second respondent police to register a case on the basis of the complaint given by the petitioner dated 11.02.2022.

For Petitioner : Mr.K.T.S.Sivakumar

For Respondents : Mr.V.Meganathan
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the second respondent police to register a case on the basis of the complaint given by the petitioner dated 11.02.2022.

2. Heard the both sides 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 Crl 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 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-VII)

//True Copy//

Sub Assistant Registrar

shk/sai

To

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

+1cc to Mr.K.T.S.Sivakumar, Advocate SR.No.15788

Cr1.O.P.No.5409 of 2022

PMK(CO)
GN(23/03/2022)