



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.5168 OF 2022

M.K.Kuppusamy

... Petitioner

Vs.

The State Represented by
Inspector of Police,
Moolanur Police Station,
Moolanur.

... Respondent

PRAYER:

This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent herein to register the case on the petitioner's complaint dated 13.11.2021 and to investigate the same in accordance with law.

For Petitioner : Mr.M.Guruprasad

For Respondent : 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 respondents herein to register the case on the petitioner's complaint dated 13.11.2021 and to investigate the same in accordance with law.

2. Heard 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 III)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1. The Inspector of Police,
Moolanur Police Station,
Moolanur.
2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.M.Guruprasad, Advocate, S.R.No.15713

Cr1.O.P.No.5168 of 2022

NRL (CO)
PM/18/03/2022