



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.7096 OF 2022

M.Kavithamani

... Petitioner

Vs

1. The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Mettur Circle, Salem Taluk.
2. The Inspector of Police,
Office of the Inspector of Police,
Mecheri Police Station,
Mettur Taluk, Salem District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent to register the case on the petitioner's complaint dated 07.01.2022 in view of the CSR No.32 of 2022 on the file of the second respondent and followed by representation made by the petitioner on 15.02.2022 and file final report within stipulated time.

For Petitioner : Mr.S.Arivazhagan

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

O R D E R

This Criminal Original Petition has been filed to direct the second respondent to register the case on the petitioner's complaint dated 07.01.2022 in view of CSR No.32 of 2022 on the file of the second respondent and followed by representation made by the petitioner on 15.02.2022 and file final report within stipulated time.



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(CCC)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1. The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Mettur Circle, Salem Taluk.
2. The Inspector of Police,
Office of the Inspector of Police,
Mecheri Police Station,
Mettur Taluk, Salem District.
3. The Public Prosecutor,
Madras High Court, Madras.

CrI.O.P.No.7096 of 2022

NK(CO)
RLP(11/04/2022)