



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.6643 of 2022

R.Nagaraju

... Petitioner

Vs.

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

2. The Inspector of Police,
Gingee Police Station,
Villupuram District.

... Respondents

PRAYER: These Criminal Original Petitions filed under Section 482 of the Criminal Procedure Code, praying to direct the second respondent to register and investigate the complaint of the petitioner dated 30.10.2021.

For Petitioner : Mr.R.Sankarasubbu

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

O R D E R

This Criminal Original Petition has been filed to direct the second respondent to register and investigate the complaint of the petitioner dated 30.10.2021.

2. When the matter is taken up for hearing, learned Government Advocate(Crl.side) would submit that the complaint in respect of missing of sim card, the respondent's have not registered a case.

3. Heard the learned counsels and perused the materials available on record.



4. 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 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 of 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.

5. In view of the above, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

nr/nti

To

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

CrI.O.P.No.6643 of 2022

SV[co]
NSK 19/04/2022