



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.10319 OF 2022

A.Ramar

...Petitioner

Vs.

1.The Superintendent of Police,
East Coast Road, Near Thatchur,
District Police Office,
Kallakurichi District - 606 202.

2.The Deputy Superintendent of Police,
Ulundurpet,
Kallakurichi District-606107.

3.The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District-607202.

...Respondents

PRAYER : This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct respondent No.3 to take action against the accused person (Mr.Narasimha Jyothi) and to conduct enquiry and investigate the same for the complaint of the petitioner dated 28.02.2022 & 28.03.2022 in accordance with law.

For Petitioner : Mr.Arun Kasi

For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed seeking to direct the 3rd respondent to take action against the accused person (Mr.Narasimha Jyothi) and to conduct enquiry and investigate the same for the complaint of the petitioner dated 28.02.2022 & 28.03.2022 in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

rgi/shk

To

- 1.The Superintendent of Police,
East Coast Road, Near Thatchur,
District Police Office,
Kallakurichi District - 606 202.
- 2.The Deputy Superintendent of Police,
Ulundurpet,
Kallakurichi District-606107.
- 3.The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District-607202.
- 4.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.10319 of 2022

SR(CO)
RVM(20/06/2022)