



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 9/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.10210 of 2022

Dhananheyam

...Petitioner

Vs

1.The Superintendent of Police
District Police Headquarters
Thiruvannamalai
Thiruvannamalai District.

2.The State
rep. By The Sub-Inspector of Police
Thanipadi Police Station
Thiruvannamalai District.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the first respondent to register a case in connection with the complaint on 28/9/2021 since the second respondent Police is committed an offence with the other accused for an offence.

For Petitioner ... Mr.D.Padmanabhan

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

O R D E R

This Criminal Original Petition has been filed to direct the first respondent to register a case in connection with the petitioner's complaint dated 28/9/2021.

2. Heard Mr.D.Padmanabhan, learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents.

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.

4. In the result, this Criminal Original Petition is dismissed. Liberty is granted to the petitioner to workout his remedy, as per the directions issued by the Hon'ble Division Bench in the order referred supra.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mvs.

To

1.The Superintendent of Police
District Police Headquarters
Thiruvannamalai
Thiruvannamalai District.

2.The Sub-Inspector of Police
Thanipadi Police Station
Thiruvannamalai District.

3.The Public Prosecutor,
High Court, Madras.

Cr1. O.P. No.10210 of 2022

MT (CO)
PR (17/06/2022)