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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.NO.11208 OF 2022

C.M.Mothiraj

... Petitioner

Vs.

1. The Commissioner of Police,
Coimbatore City Police.
2. The Inspector of Police,
City Crime Branch Police Station,
Coimbatore 641 018.
3. The Director Town and Country Planning
2nd, 3rd and 4th Floors
CMDA Office, E & C Market Road,
Koyambedu, Chennai 107.
4. The Coimbatore District Joint Director,
Town and Country Planning,
Coimbatore Corporation Office,
Coimbatore.
5. The Sub Registrar,
Annur, Annur Taluk,
Coimbatore District.
6. The Tahsildar
Annur Taluk,
Office of the Tahsildar Annur,
Coimbatore.
7. The Village President,
Ottarpalayam Village,
Office of the Ottarpalayam Panchayat,
Mettupalayam Road, Annur Taluk,
Coimbatore District.
8. K.C.Sundaram



9. O.R.Sasikala

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying to issue writ in the nature of WRIT OF MANDAMUS or any other appropriate writ or direction directing the first respondent to register criminal case against the respondents 8 & 9 on the basis of the petitioner's representation cum complaint dated 04.04.2022.

For Petitioner : Mr.S.Venkatesh
For Respondents : Mr.A.Gokulakrishnan,
Addl.Public Prosecutor
for R1 to R7

O R D E R

The Petition has been filed to direct the first respondent to register criminal case against the respondents 8 & 9 on the basis of the petitioner's representation cum complaint dated 04.04.2022.

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.



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4. This Writ Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Commissioner of Police,
Coimbatore City Police.
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Annur Taluk, Office of the Tahsildar Annur,
Coimbatore.
7. The Village President,
Ottarpalayam Village,
Office of the Ottarpalayam Panchayat,
Mettupalayam Road, Annur Taluk,
Coimbatore District.
8. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.S.Venkatesh, Advocate, S.R.No.32924

W.P.No.11208 of 2022

GJ(CO)

RLP(20/06/2022)