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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 9/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.10305 of 2022

K.Vengadesh

...Petitioner

Vs

1.The Superintendent of Police
O/o Superintendent of Police
Thiruvarur District.

2.The Inspector of Police
Koodavasal Police Station
Thiruvarur District.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to register the FIR based on the petitioner's complaint dated 8/12/2021 pending on the file of the respondent.

For Petitioner ... Mr.P.Muthamizh Selvakumar

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

O R D E R

This Criminal Original Petition has been filed to direct the second respondent Police to register the FIR, based on the petitioner's complaint, dated 8/12/2021.

2. Heard Mr.P.Muthamizh Selvakumar, learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents.

3. The main allegation of the petitioner is that one Arvinselvan had promised the petitioner to arrange jobs in the Government office and collected amounts from the petitioner.



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4. The learned counsel appearing for the petitioner submitted that the petitioner had lost his valuable properties. Hence lodged the complaint dated 8/12/2021 before the second respondent Police. Till date, no steps were taken by the second respondent.

5. 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.

6. 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 (CO)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Superintendent of Police
O/o Superintendent of Police
Thiruvarur District.
2. The Inspector of Police
Koodavasal Police Station
Thiruvarur District.
3. The Public Prosecutor,
High Court, Madras.

CrI. O.P. No.10305 of 2022

SMI (CO)
PR (22/06/2022)