



WEB COPY



Crl.OP.No.16009 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16009 of 2023

R.Ramani,
S/o.Rajagopalan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., directing the respondent herein to duly register an FIR in the petitioner's information dated 29.11.2022.

For Petitioner : Mr.A.Jotheeswaran

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent herein to duly register

an FIR based on the petitioner's complaint dated 29.11.2022.

<https://www.mhc.tn.gov.in/judis>



Cr.L.OP.No.16009 of 2023

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

3. This petition is not maintainable, in view of the Order passed by a 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 Division Bench in the order referred supra.

This Criminal Original Petition is disposed of accordingly.

18.07.2023

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1. The Inspector of Police,
Kilvelur Police Station,
Nagapattinam District.
2. The Public Prosecutor,
High Court, Madras.



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