

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.251 of 2021

Gopu

.. Petitioner

.vs.

State rep. By its
Inspector of Police,
T5, Tiruverkadu Police Station,
Tiruverkadu,
Tiruvallur District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the petitioner's complaint dated 29.12.2020 in CSR.No.1318 of 2020 and investigate the matter for necessary action.

For Petitioner : Mr.R.Chandrasekaran

For Respondent : Mr.M. Mohamed Riyaz,
Addl. Public Prosecutor

ORDER

This petition has been filed to direct the respondent to register the FIR based on the complaint dated 29.12.2020 of the petitioner in CSR.No.1318 of 2020.

2.Heard the learned counsel for the petitioner and the learned Addl. Public Prosecutor appearing on behalf of the respondents.

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.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr

To

1. The Inspector of Police,
T5, Tiruverkadu Police Station,
Tiruverkadu,
Tiruvallur District.
2. The Public Prosecutor,
High Court of Madras.

+1 cc to M/s.R.Chandrasekaran, Advocate Sr.No. 1454

Cr1.O.P. No.251 of 2021

GSM(CO)
RMP (05/02/2021)

सत्यमेव जयते

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