

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P No.486 of 2021

X.Sthanis Anthony Gelastin Raja

..Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 7
2. The Deputy Commissioner of Police,
Anna Nagar,
Chennai.
3. The Inspector of Police (Crime),
K-10, Koyambedu Police Station,
Koyambedu, Chennai

..RESPONDENTS

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents police to register the FIR based on the complaint of the petitioner dated 22.12.2020.

For Petitioner : Mr.K.C.Senthil Kumar

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents Police to register a case based on the petitioner's complaint dated 22.12.2020, pending on the file of the 3rd respondent Police.

2. Heard the learned counsel for the petitioner and the learned Government Additional 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 Crl 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(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 7
2. The Deputy Commissioner of Police,
Anna Nagar,
Chennai.
3. The Inspector of Police (Crime),
K-10, Koyambedu Police Station,
Koyambedu, Chennai
4. The Public Prosecutor,
High Court, Madras - 104.

Cr1.O.P No.486 of 2021

Sr co

A.SK(19.02.2021) .

सत्यमेव जयते

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