

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.1243 of 2021

M.Gopinath

... Petitioner/Defacto Complainant

.Vs.

The State Rep by its
Inspector of Police,
D1, Triplicane Police Station,
Chennai-5.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register the FIR against the thief Mr.Kothandam covered in CSR No.385/2019 dated 6.5.2019, and investigate the same as per law.

For Petitioner : Mr.C.Srinivasan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent police to register the FIR against the thief Mr.Kothandam covered in CSR No.385/2019 dated 6.5.2019.

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

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.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

KP
To

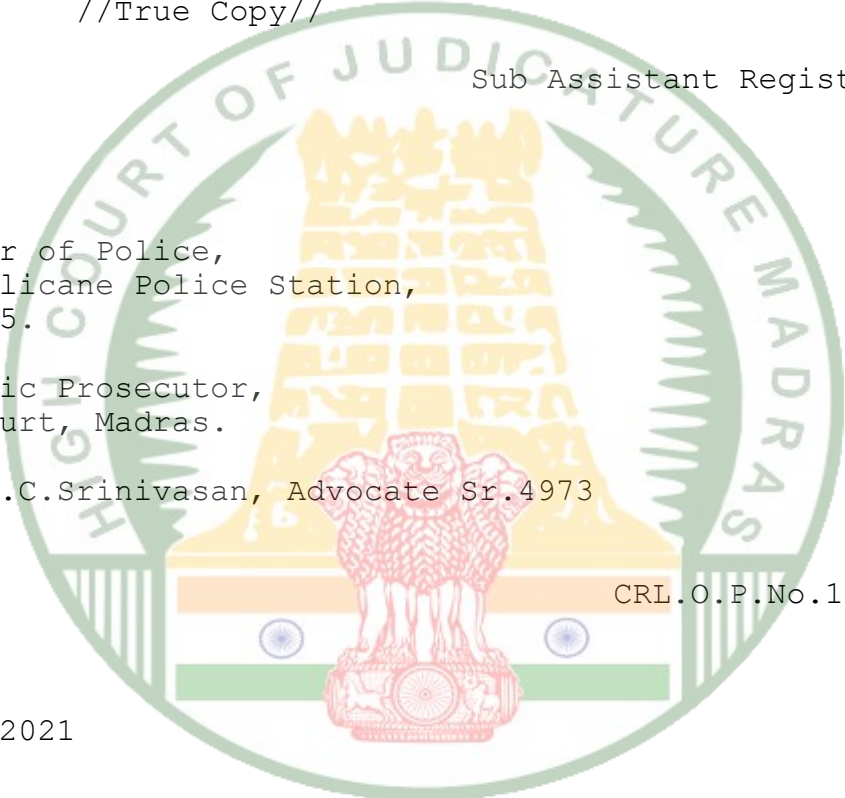
1. Inspector of Police,
D1, Triplicane Police Station,
Chennai-5.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Srinivasan, Advocate Sr.4973

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