

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1585 of 2021

D.Karthik

.. Petitioner

Vs.

1. The Superintendent of Police,
Chengalpet.

2. The Deputy Superintendent of Police,
Mahabalipuram.

3. The Inspector of Police,
Kelambakkam Police Station,
Kelambakkam

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, directing the 3rd respondent Police to register a FIR on the petitioner's complaint dated 14.01.2021 which was received by the 3rd respondent police in CSR No.35 of 2021 dated 14.01.2021.

For Petitioner: Mr.R.Dilli Kumar

For Respondent: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the third respondent Police to register a case based on the petitioner's complaint dated 14.01.2021 vide CSR No.35 of 2021, pending on the file of the 3rd respondent Police.

2. Heard the learned counsel for the petitioner and the learned 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 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

rli

To

1. The Superintendent of Police,
Chengalpet.

2. The Deputy Superintendent of Police,
Mahabalipuram.

3. The Inspector of Police,
Kelambakkam Police Station,
Kancheepuram District.

4. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.R.Dilli kumar, Advocate Sr.No. 5689

NRL(CO)
RMP(23/02/2021)

Cr1.O.P.No.1585 of 2021