

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.1708 of 2021

R.Karunakaran,
S/o.Raman.

...Petitioner

.Vs.

1.The Superintendent of Police,
Chengalpet District,
Chengalpet.

2.The Inspector of Police,
S15, Selaiyur Police Station,
Chennai-600 073.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent Police to register FIR on the basis of the petitioner's complaint dated 31.12.2020 to the 2nd respondent police and investigate the matter in accordance with law.

For Petitioner : Mr.R.Balaguruswamy

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

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent Police to register an FIR based on the petitioner's complaint dated 31.12.2020, pending on the file of the 2nd 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.

This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police,
Chengalpet District,
Chengalpet.
- 2.The Inspector of Police,
S15, Selaiyur Police Station,
Chennai-600 073.
- 3.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

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