

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 05.02.2021
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.1862 of 2021

R.Senthilkumar

... Petitioner

vs.

1. The Commissioner of Police,
Greater Chennai Police,
Commissioner Office Building,
E.V.K.Sampath Road,
Vepery, Chennai.

2. The Inspector of Police,
S-7 Madipakkam Police Station,
Madipakkam, Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to register the FIR based on the petitioner online complaint Reference No.ECR20136648 dated 12.11.2020.

For Petitioner : Mr.S.Suresh

For Respondent : Mr.M.Mohammed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the second respondent Police to register the FIR based on the petitioner's complaint Reference No.ECR20136648 dated 12.11.2020, pending on the file of the second respondent Police.

2.Heard the learned counsel appearing 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 Cr1 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

To

1. The Commissioner of Police,
Greater Chennai Police,
Commissioner Office Building,
E.V.K.Sampath Road, Vepery, Chennai.
2. The Inspector of Police,
S-7 Madipakkam Police Station,
Madipakkam, Chennai.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

AKM/25.02.21/ 2P-4C/

Cr1.O.P No.1862 of 2021
05.02.2021

सत्यमेव जयते

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