

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.3732 of 2021

N.Venkatesan

.. Petitioner

Vs.

The State Rep. by Inspector of Police,
C-3, Manimangalam Police Station,
PIN 602 301.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue a direction to the respondent to register the First Information Report on the complaint dated 10.05.2017, investigate the same and file a final report before the competent court.

For Petitioner : Mr.S.Sai Prabhu

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

ORDER

This petition has been filed to issue a direction to the respondent to register the First Information Report on the complaint dated 10.05.2017, investigate the same and file a final report before the competent court.

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

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-VII)

//True Copy//

Sub Assistant Registrar

ssr

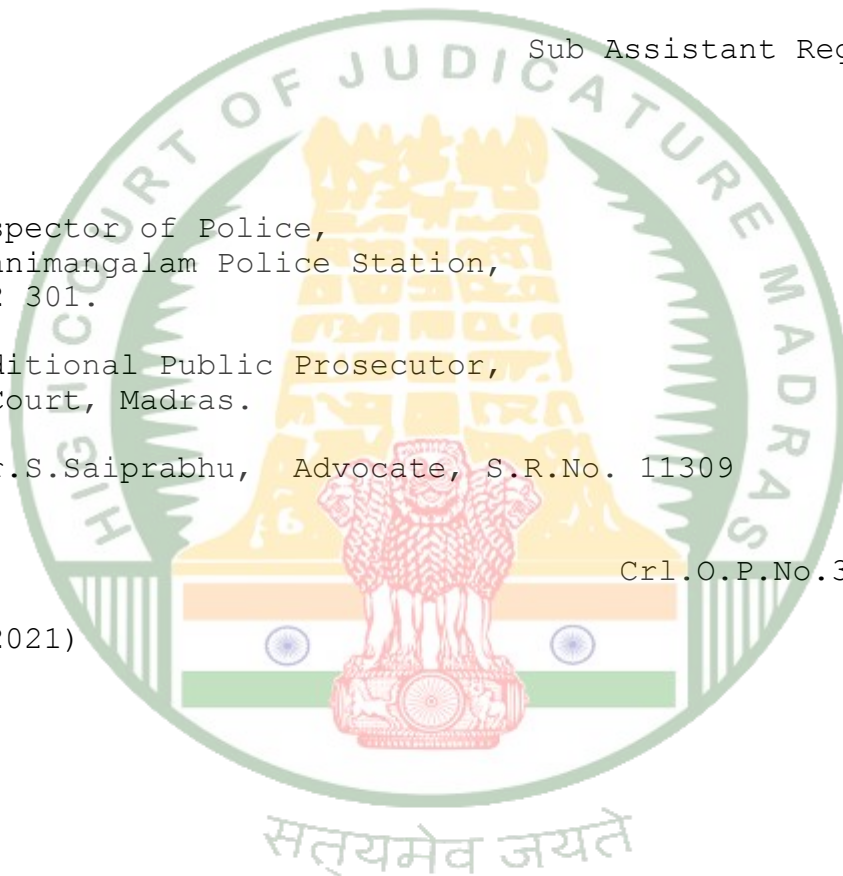
To

1. The Inspector of Police,
C-3, Manimangalam Police Station,
PIN 602 301.
2. The Additional Public Prosecutor,
High Court, Madras.

+2cc to Mr.S.Saiprabhu, Advocate, S.R.No. 11309

Crl.O.P.No.3732 of 2021

PMK (CO)
GN(17/03/2021)



WEB COPY