

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2916 of 2021

1. K.J.Atchaya
  2. J.Chendhivel
- ... Petitioners

Vs.

1. The Commissioner of Police,  
Office of Commissioner of Police,  
Vepery, Chennai - 600 007.
  2. The Inspector of Police,  
J-7, Velacherry Police Station,  
Velacherry, Chennai - 600 042.
- ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the 2<sup>nd</sup> respondent herein to register the FIR on the basis of 2<sup>nd</sup> petitioner's complaint dated 18.11.2019 and to take further legal action in accordance with law.

For Petitioner : Mr.M.Srinivasan

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

ORDER

This petition has been filed to direct the 2<sup>nd</sup> respondent Police to register a case based on the petitioner complaint dated 18.11.2019 pending on the file of the 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 Crl 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 V)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,  
Office of Commissioner of Police,  
Vepery, Chennai - 600 007.
2. The Inspector of Police,  
J-7, Velacherry Police Station,  
Velacherry, Chennai - 600 042.
3. The Public Prosecutor,  
High Court, Madras.

सत्यमेव जयते

Cr1.O.P.No.2916 of 2021

kk[co]  
srg 10/03/2021

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