

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.3524 of 2021

S.Balaji

.. Petitioner

Vs.

1. State rep by :
The Superintendent of Police,
Chengalpet District,
Chengalpet.

2. The Inspector of Police,
District Crime Branch,
Chengalpet.

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the respondents to register a case on the complaint dated 25.12.2020 of the petitioner and to investigate.

For Petitioner : Mr.R.C.Manoharan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents Police to register a case based on the petitioner's complaint dated 25.12.2020, pending on the file of the second 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.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS.VII)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Chengalpet District,
Chengalpet.
2. The Inspector of Police,
District Crime Branch,
Chengalpet.
3. The Additional Public Prosecutor,
High Court, Madras.

AKM/16.03.21/ 2P-4C/

Cr1.O.P.No.3524 of 2021
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