

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.2634 of 2021

G.Gnanasundram

...Petitioner

.Vs.

1.The Superintendent of Police,
District Superintendent of Police Office,
Chengalput District.

2.Deputy Superintendent of Police,
Mamallapuram,
Chengalput District (Land Grabbing),
Chengalput.

3.The Inspector of Police,
Land Grabbing,
Kalpakkam Police Station,
Chengalput District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to register the FIR based on the petitioner complaint dated 12.10.2020 as per law and direct to investigate the same.

For Petitioner : Mr.R.Ravichandran

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the 3rd respondent police to register the FIR based on the complaint given by the petitioner on 12.10.2020.

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.

4.This Criminal Original Petition is disposed of accordingly.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

KP

To

- 1.The Superintendent of Police,
District Superintendent of Police Office,
Chengalput District.
- 2.Deputy Superintendent of Police,
Mamallapuram,
Chengalput District (Land Grabbing),
Chengalput.
- 3.The Inspector of Police,
Land Grabbing,
Kalpakkam Police Station,
Chengalput District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Ravichandran, Advocate, SR.No.8565

CRL.O.P.No.2634 of 2021

SSD(CO)
KKV/09/03/2021