

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.3374 of 2021

N.Suresh

...Petitioner

.Vs.

1. The Commissioner of Police,
Office of Commissioner of Police,
Vepery,
Chennai.
2. The Deputy Commissioner of Police,
Ambattur District.
Ambattur.
3. The Inspector of Police (crime),
Korttur Police Station,
Chennai.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent to register the complaint dated 26.11.2019 lodged by the petitioner before the Inspector of Police, T3 Korattur Police Station, Chennai and Vide CSR No.2559 of 2019 and file the FIR.

For Petitioner : Mr.G.Prasanna

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 to register the complaint based on the petitioner's complaint dated 26.11.2019.

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.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Commissioner of Police,
Office of Commissioner of Police,
Vepery,
Chennai.
2. The Deputy Commissioner of Police,
Ambattur District.
Ambattur.
3. The Inspector of Police (Crime),
Korattur Police Station,
Chennai.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Suresh, Advocate, S.R.No.10651.

AAB (CO)
CSR 12.03.2021

CRL.O.P.No.3374 of 2021