

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3918 of 2021

V.G.Selvaraja

...Petitioner

Vs.

The Inspector of Police,
Central Crime Branch,
Team-2, EDF-1,
Office of the Commissioner of Police,
Vepery,
Chennai-7.

...Respondent

Prayer: This Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the orders of the respondent in proceedings nil dated 10.02.2021 and quash the same and consequently direct the respondent to register and investigate the complaint dated 18.11.2020

For Petitioner : Mr.S.Kamadevan
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent to register a case based on the petitioner's complaint dated 18.11.2020, 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 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 Cr1 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 Writ Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Inspector of Police,
Central Crime Branch,
Team-2, EDF-1,
Office of the Commissioner of Police,
Vepery,
Chennai-7.

2. The Public Prosecutor
High Court of Madras
Chennai - 600 104.

+1cc to Mr.S.Kamadevan, Advocate, S.R.No.10381

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SRA(CO)
KKV/23/02/2021

सत्यमेव जयते

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