

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.3523 of 2021

M.Venkatesh

.. Petitioner

Vs.

1. The Inspector of Police,
R-5, Virugambakkam Police Station,
Virugambakkam,
Chennai – 600 092.

2. The Deputy Commissioner of Police,
Mambalam Deputy Commissioner Office,
Mambalam,
Chennai – 600 018.

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C.
to direct the respondent police to register the case and take further action on the
petitioner's complaint dated 08.10.2020.

For Petitioner : Mr.S.R.Sagadevan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents Police to
register a case based on the petitioner's complaint dated 08.10.2020, pending on
the file of the first 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.

23.02.2021

Index :Yes/No

<https://www.mhc.tn.gov.in/judis/>

Internet: Yes/No

rli

To

1. The Inspector of Police,
R-5, Virugambakkam Police Station,
Virugambakkam,
Chennai – 600 092.
2. The Deputy Commissioner of Police,
Mambalam Deputy Commissioner Office,
Mambalam, Chennai – 600 018.
3. The Additional Public Prosecutor,
High Court, Madras.



WEB COPY

N.ANAND VENKATESH, J.

ri



Cri.O.P.No.3523 of 2021

WEB COPY

23.02.2021