

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 25.02.2021
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.3804 of 2021

V.Kalaizhayagan

.. Petitioner

Vs.

1. The Commissioner of Police,
Vepery, Chennai - 7.

2. State rep by
The Inspector of Police,
M4 Sengundram Police Station,
No.172A GNT Road, Redhills,
Chennai.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent police viz., the Inspector of Police, M4 Sengundram Police Station, Chennai to register an F.I.R and to investigate according to his complaint dated 05.02.2021 in accordance with law.

For Petitioner : Mr.N.Ramesh

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the 2nd respondent police viz., the Inspector of Police, M4 Sengundram Police Station, Chennai to register an F.I.R and to investigate according to his complaint dated 05.02.2021 in accordance with law.

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.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Asst.Registrar (CS VII)

/true copy/
Sub Asst. Registrar

ssr

To

1. The Commissioner of Police,
Vepery, Chennai - 7.
2. The Inspector of Police,
M4 Sengundram Police Station,
No.172A GNT Road, Redhills,
Chennai.
- 3.The Additional Public Prosecutor,
High Court, Madras.

+1 cc to Mr.N.Naresh Advocate srl1341

Cr1.O.P.No.3804 of 2021

sml(co)
aa17/03/2021