

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.4331 of 2021

T.S.Prasanna

.. Petitioner/Complainant

Vs.

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

2. State represented by
Inspector of Police
P-6, Kodungaiyur Police Station,
Chennai & Dist

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to register the complaint dated 18.01.2020 in C.S.R.No.55 of 2020 from the file of the Inspector of Police, P-6, Kodungaiyur Police Station, Chennai District to the file of the Inspector of Police, M-1, Madhavaram Police Station and further direct to transfer the investigation to any other competent investigating agency.

For Petitioner : Mr.R.Balakrishnan

For Respondents: Mr.C.Raghavan
Government Advocate

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner complaint dated 18.01.2020 pending on the file of the respondent Police.

2.Heard the learned counsel for the petitioner and the learned Government Advocate 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.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 7.
2. Inspector of Police
P-6, Kodungaiyur Police Station,
Chennai & Dist
3. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.R.Balakrishnan, Advocate, Sr.No. 13400

Cr1.O.P No.4331 of 2021

SKY (CO)
RMP (25/03/2021)

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