

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.4487 of 2021

K.Palani

...Petitioner

.Vs.

1.State rep.by
Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
E.V.K.Sampath Road,
Vepery, Chennai 600 007.

2. The Inspector of Police,
G 3, Kilpauk Police Station,
Kilpauk, Chennai 600 010.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent Police to register the complaint dated 09.09.2020 and investigate the same in accordance with law.

For Petitioner : Mr.D.Bharathy

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent police to register the complaint dt. 09.09.2020 and investigate the same.

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 VI)

//True Copy//

Sub Assistant Registrar

KP

To

- 1.The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
E.V.K.Sampath Road,
Vepery, Chennai 600 007.
2. The Inspector of Police,
G 3, Kilpauk Police Station,
Kilpauk, Chennai 600 010.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.4487 of 2021

sky(co)
csr 25.03.2021

सत्यमेव जयते

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