

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.4535 of 2021

Devakumar

...Petitioner

.Vs.

The Inspector of Police,
J-5, Sastry Nagar Police Station,
Besant Nagar,
Chennai 600 090.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to take action against the accused Mr.E.Nagaraj to conduct the enquiry and investigate the same according to law.

For Petitioner : Mr.K.Gajendiran
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent to take action against the accused Mr.E.Nagaraj, based on the petitioner's complaint dated 21.02.2021.

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 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/-
Asst.Registrar (CS VII)

/true copy/
Sub Asst. Registrar

KP

To

1.The Inspector of Police,
J-5, Sastry Nagar Police Station,
Besant Nagar,
Chennai 600 090.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.4535 of 2021

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