

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.4566 of 2021

P.Chandrasekaran

...Petitioner

.Vs.

1.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

2.The Sub Inspector of Police,
C 3, Manimangalam Police Station,
Sriperumbudhur Taluk,
Kancheepuram District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the petitioner complaint dt.27.12.2020 and vide CSR No.688 of 2020 and file FIR.

For Petitioner : Mr.D.Dhayalan

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

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent to register the petitioner's complaint dt.27.12.2020 and vide CSR No.688 of 2020 and file FIR.

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 Cr1 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 VII)

//True Copy//

Sub Assistant Registrar

KP
To

- 1.The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
- 2.The Sub Inspector of Police,
C 3, Manimangalam Police Station,
Sriperumbudhur Taluk,
Kancheepuram District.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.D.Dhayalan, Advocate Sr.15318

CRL.O.P.No.4566 of 2021

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srg 29/03/2021

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