

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.4788 of 2021

G.Venkatesan

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Periyar EVR High Road,
Vepery, Chennai - 600 007.

2. The Inspector of Police,
M-8, Sathangadu Police Station,
Chennai - 600 068.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to Register the complaint of the petitioner dated 20.10.2020 and investigate the same vide CSR No.276 of 2020 dated 21.10.2020 within time frame fixed by this Court.

For Petitioner : Mr.K.R.Pughazhendhi

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

O R D E R

This petition has been filed to direct the 2nd respondent to Register the complaint of the petitioner dated 20.10.2020 and investigate the same vide CSR No.276 of 2020 dated 21.10.2020 within time frame fixed by this Court.

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 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 her 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(CS VII)

//True Copy//

Sub Assistant Registrar

ssr
To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Periyar EVR High Road,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
M-8, Sathangadu Police Station,
Chennai - 600 068.
3. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

Cr1.O.P.No.4788 of 2021

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