

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.4957 of 2021

D.Kuppa Naidu

... Petitioner

vs.

1. The Commissioner of Police,
Vepery, Chennai 600 007.

2. The Inspector of Police,
Crime Branch,
Puzhal Police Station,
Puzhal, Chennai 600 066.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents, particularly the 2nd respondent to register a case on the petitioner's complaint dated 24.02.2021.

For Petitioner : Mr.R.Thanjan

For Respondent : Mr.Mohammed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 24.02.2021, pending on the file of the respondent Police.

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/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Commissioner of Police,
Vepery, Chennai 600 007.
2. The Inspector of Police,
Crime Branch,
Puzhal Police Station,
Puzhal, Chennai 600 066.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

Cr1.O.P No.4957 of 2021

SKY(CO)
CSR 29.04.2021

सत्यमेव जयते

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