

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.5355 of 2021

Dr.K.Dhananjayan, M.D.,D.Ch.,

...Petitioner

.Vs.

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-7.

2.The Inspector of Police,
V-7, Nolambur Police Station,
Chennai 600 037.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, direct the 2nd respondent herein to register the case based on the complaint of the petitioner dt.18.01.2021 and to investigate the same and file a final report before the appropriate court within the reasonable time limit that may be fixed by this Hon'ble Court.

For Petitioner : Mr.P.Murali

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 case based on the petitioner's complaint dt. 18.01.2021 and to investigate the same and file a final report before the appropriate court within the reasonable time limit fixed.

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

/TRUE COPY/

Sub-Assistant Registrar

KP

To

- 1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-7.
- 2.The Inspector of Police,
V-7, Nolambur Police Station,
Chennai 600 037.
- 3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.5355 of 2021

PL(CO)
KKN 22.04.2021