

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5858 of 2021

P.B.Sugumar

.. Petitioner

Vs.

1. Aravind Prasad Dayal

2. State represented by
the Inspector of Police,
All Women Police Station,
Tambaram, Chennai.

3. The Commissioner of Police,
Greater Chennai,
Chennai-8.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 3rd respondent to transfer investigation officer for the complaint dated 08.01.2020 on the basis of petition submitted to the 3rd respondent on 24.02.2021.

For Petitioner : Mr.P.Britto

For Respondents : Mr.M.Mohamed Riyaz R2 & R3
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 third respondent Police.

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 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 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.

24.03.2021

Index :Yes/No

Internet:Yes/No

Speaking/Non speaking order

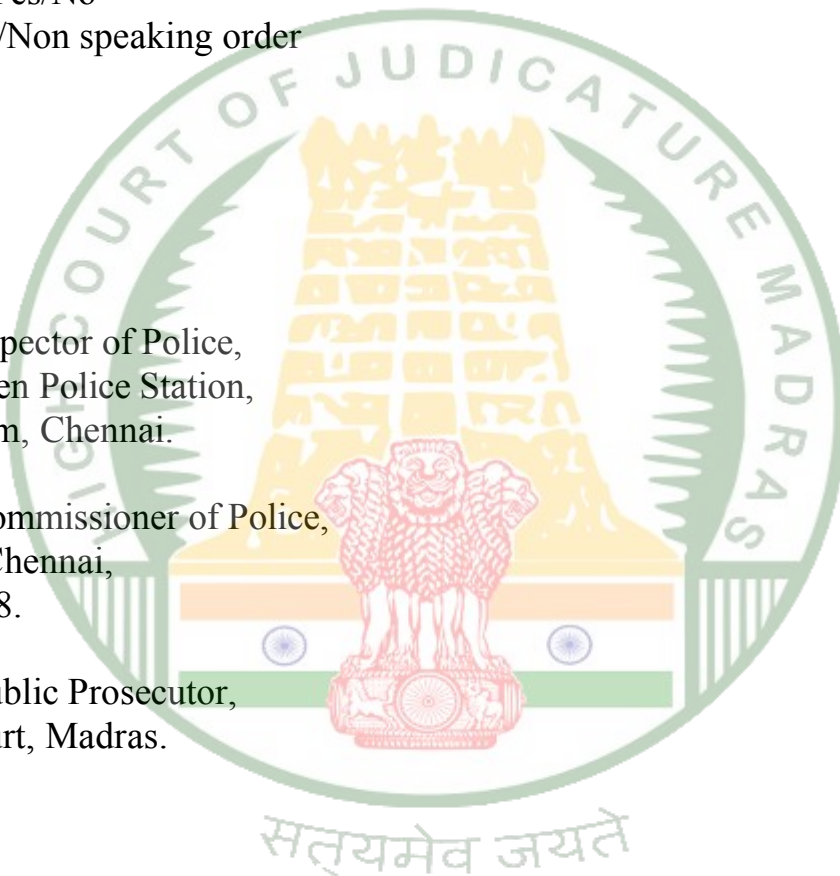
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To

1.The Inspector of Police,
All Women Police Station,
Tambaram, Chennai.

2. The Commissioner of Police,
Greater Chennai,
Chennai-8.

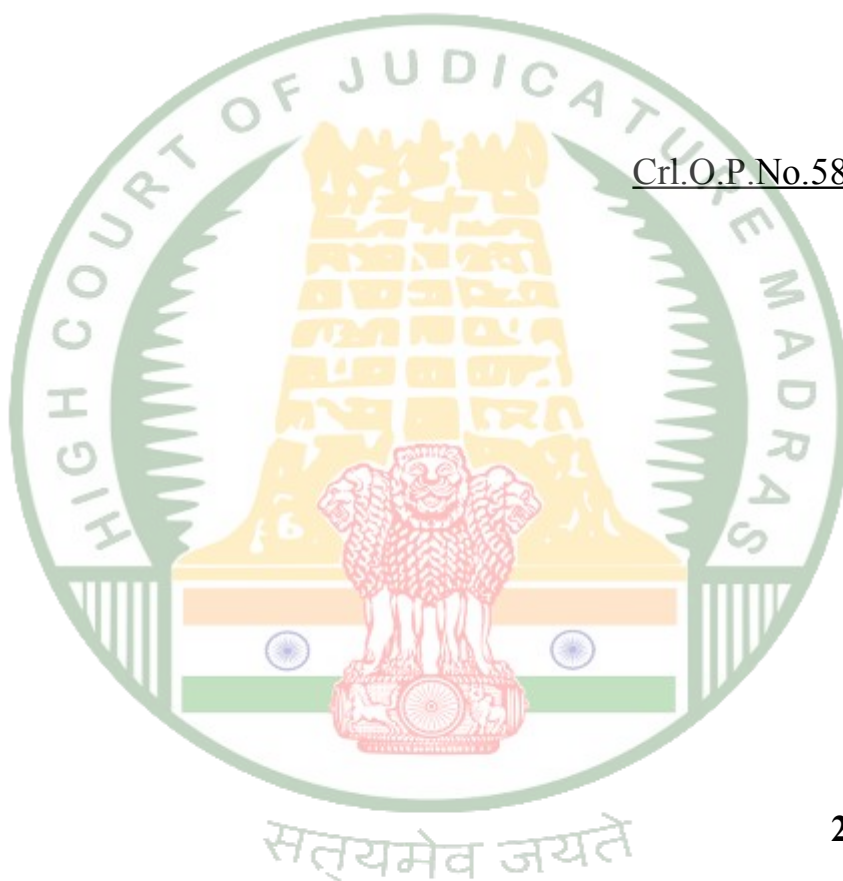
3. The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH,J

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