

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.7031 of 2021

R.S.Rajan

... Petitioner

Versus

1. The Commissioner of Police,
Greater Chennai Commissioner Office,
Vepery, Chennai 600 007.
 2. The Assistant Commissioner of Police,
Madhavaram Range,
Madhavaram, Chennai.
 3. The Inspector of Police,
M4 Police Station,
Redhills, Chennai - 600 052.
- ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the petitioner complaint dated 21.12.2020 vide CSR.No.609 of 2020 dated 21.12.2020 and file an FIR in accordance with law.

For Petitioner : Mr.M.K.Yukanth

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

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner complaint dated 21.12.2020 pending on the file of the 3rd 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 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 III)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Commissioner of Police,
Greater Chennai Commissioner Office,
Vepery, Chennai 600 007.
2. The Assistant Commissioner of Police,
Madhavaram Range,
Madhavaram, Chennai.
3. The Inspector of Police,
M4 Police Station,
Redhills, Chennai - 600 052.
4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.7031 of 2021

GPL(CO)
baf 17/05/2021