

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.5460 of 2021

M.Ramesh

...Petitioner

.Vs.

The Inspector of Police,
M-1, Madhavaram Police Station,
Chennai 600 110.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register the FIR against the accused on the basis of the petitioner's complaint dated 18.12.2020.

For Petitioner : Mr.P.Thiyagaraj

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent police to register the FIR against the accused based on the petitioner's complaint dated 18.12.2020.

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 III)

/TRUE COPY/

Sub-Assistant Registrar

KP

To

1.The Inspector of Police,
M-1, Madhavaram Police Station,
Chennai 600 110.

2.The Public Prosecutor,
High Court, Madras.

+1CC TO MR.P.THIYGARAJ,ADVOCATE, SR.NO. 18304

CRL.O.P.No.5460 of 2021

PL(CO)

KKN 21.04.2021