

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5691 of 2021

T.Sankar

.. Petitioner

Vs.

1. The Superintendent of Police,
Chengalpattu District,
Chengalpattu.

2. The Deputy Superintendent of Police,
Madurantakam Range,
Chengalpattu.

3. The Inspector of Police,
G-6, Chithamur Police Station,
Madurantakam Taluk,
Chengalpattu.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the third respondent to register the complaint of the petitioner dated 16.01.2021 by conducting proper enquiry in accordance with law.

For Petitioner : Mr.M.Gnanasekar

For Respondents: Mr.M.Mohamed 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 16.01.2021, 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 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

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To

1. The Superintendent of Police,
Chengalpattu District,
Chengalpattu.
2. The Deputy Superintendent of Police,
Madurantakam Range,
Chengalpattu.
3. The Inspector of Police,
G-6, Chithamur Police Station,
Madurantakam Taluk,
Chengalpattu.
4. The Public Prosecutor,
High Court, Madras.

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PCH(CO)
RG.28.04.2021(2P/5C)