

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5915 of 2021

A.Rajasekaran

.. Petitioner

Vs.

1. The Commissioner of Police,
EVK Sampath Road,
Veppery,
Chennai - 600 007.
2. State Rep. by
The Inspector of Police,
Land Grabbing Protection Cell,
Central Crime Branch,
Team-XVIII, Veppery,
Chennai - 600 007.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to register the complaint dated 05.01.2021.

For Petitioner :Mr.S.Suresh
For Respondents :Mr.M.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents to register the complaint dated 05.01.2021.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent police.

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 her remedy as per the directions issued by the Division Bench in the order referred supra.

This Criminal Original Petition is disposed of accordingly.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr
To

1. The Commissioner of Police,
EVK Sampath Road,
Veppery,
Chennai - 600 007.
2. The Inspector of Police,
Land Grabbing Protection Cell,
Central Crime Branch,
Team-XVIII, Veppery,
Chennai - 600 007.
3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S. Suresh, Advocate sr 19559

Cr1.O.P.No.5915 of 2021

AJS (CO)
SP(25/05/2021)

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