

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.7678 of 2021

1.S.P.Maganathan
2.D.Mohan

...Petitioners

Both the petitioners are represented
by their power agent
N.Selvaraj.

Versus

1.The Deputy Commissioner of Police,
Ambattur Police District,
Office at Avadi, Chennai -600 054.

2.The Inspector of Police,
Mangadu Police Station,
Mangadu, Chennai - 600 123.

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 of
the Code of Criminal Procedure, to direct the 2nd respondent
police to register the case to the petitioner's complaint dated
04.02.2021 and same to investigate.

For Petitioners: Mr.V.Ganesh

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

ORDER

This petition has been filed to direct the 2nd
respondent Police to register a case based on the petitioner
complaint dated 04.02.2021 pending on the file of the 2nd
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.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

dna

To

- 1.The Deputy Commissioner of Police,
Ambattur Police District,
Office at Avadi, Chennai -600 054.
- 2.The Inspector of Police,
Mangadu Police Station,
Mangadu, Chennai - 600 123.
- 3.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

CRL.O.P.No.7678 of 2021

AK(CO)
SP(01/07/2021)

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