

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.6149 of 2021

Malarvannan

.. Petitioner

.vs.

1. The Superintendent of Police
O/o. Superintendent of Police
Chengalpattu
2. The Assistant Superintendent of Police
O/o. Assistant Superintendent of Police
Mamallapuram, Chengalpattu
3. The Inspector of Police
E-8, Police Station
Kelambakkam
Chengalpattu

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent to register a case based on the complaint given by the petitioner dated 05.02.2021 and to investigate into the matter and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.M.Sathish Kumar

For Respondents: Mr.C.Raghavan,
Government Advocate

ORDER

This petition has been filed to direct the 3rd respondent Police to register a case based on the petitioner's complaint dated 05.02.2021 pending on the file of the third respondent Police.

2.Heard the learned counsel for the petitioner and the learned Government Advocate 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.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
O/o.Superintendent of Police,
Chengalpattu.
2. The Assistant Superintendent of Police,
O/o. Assistant Superintendent of Police,
Mamallapuram, Chengalpattu.
3. The Inspector of Police,
E-8, Police Station,
Kelambakkam,
Chengalpattu.
4. The Public Prosecutor,
High Court, Madras-104.

CrI.O.P. No.6149 of 2021

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srg 06/07/2021