

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.03.2021

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6322 of 2021

A. Gopinath

.. Petitioner

Vs.

1. State rep. by
Assistant Commissioner of Police
Vadapalani Police Station
Vadapalani, Chennai - 600 026.

2. State rep. by its
Inspector of Police (Crime)
R5, Virugambakkam Police Station
Virugambakkam
Chennai - 600 092.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondent 2 to register the complainant dated 26.06.2019 given by the Petitioner under Petition Receipt RC No. 208/2019.

For Petitioner : Mr. K.Ramanatha Reddy

For Respondents: Mr.Mohamed Riyaz,

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the second respondent Police to register a case based on the petitioner's complaint dated 26.06.019, pending on the file of the respondents 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-VII)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Assistant Commissioner of Police
Vadapalani Police Station
Vadapalani, Chennai - 600 026.
2. The Inspector of Police (Crime)
R5, Virugambakkam Police Station
Virugambakkam
Chennai - 600 092.
3. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.6322 of 2021

GPL(CO)
CB(27/04/2021)

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