

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6654 of 2021

N.Edwin Jeyakumar

... Petitioner

Versus

1.The Commissioner of Police,
The Greater Chennai Police,
Vepery, Chennai.

2.The Inspector of Police,
T-7 Tank Factory Police Station,
Avadi, Chennai - 600 055.

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent Police to register a case against the alleged accused based on the petitioner's complaint dated 15.02.2021 in C.S.R.No.68 of 2021 and investigate the same.

For Petitioner : Mr.S.Leonard Vasanth

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 complaint dated 15.02.2021 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.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner of Police,
The Greater Chennai Police,
Vepery, Chennai.
- 2.The Inspector of Police,
T-7 Tank Factory Police Station,
Avadi, Chennai - 600 055.
- 3.The Public Prosecutor,
High Court, Madras.

+cc to M/S.S.Leonard Vasanth,Advocate,Sr.No 22674

CRL.O.P.No.6654 of 2021

PMK (CO)
baf 07/05/2021

सत्यमेव जयते
WEB COPY