

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6840 of 2021

Velayutham

... Petitioner

Versus

1.The Commissioner of Police,
E.V.P.Sampath Salai,
Vepery, Chennai -600 007.

2.The State represented by
The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai - 600 091.

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent Inspector of Police to register the First Information Report based on the complaint dated 29.01.2019.

For Petitioner : Mrs.S.Ramadevi

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 29.01.2019 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(CCC)

//True Copy//

Sub Assistant Registrar

dna

To

1.The Commissioner of Police,
E.V.P.Sampath Salai,
Vepery, Chennai -600 007.

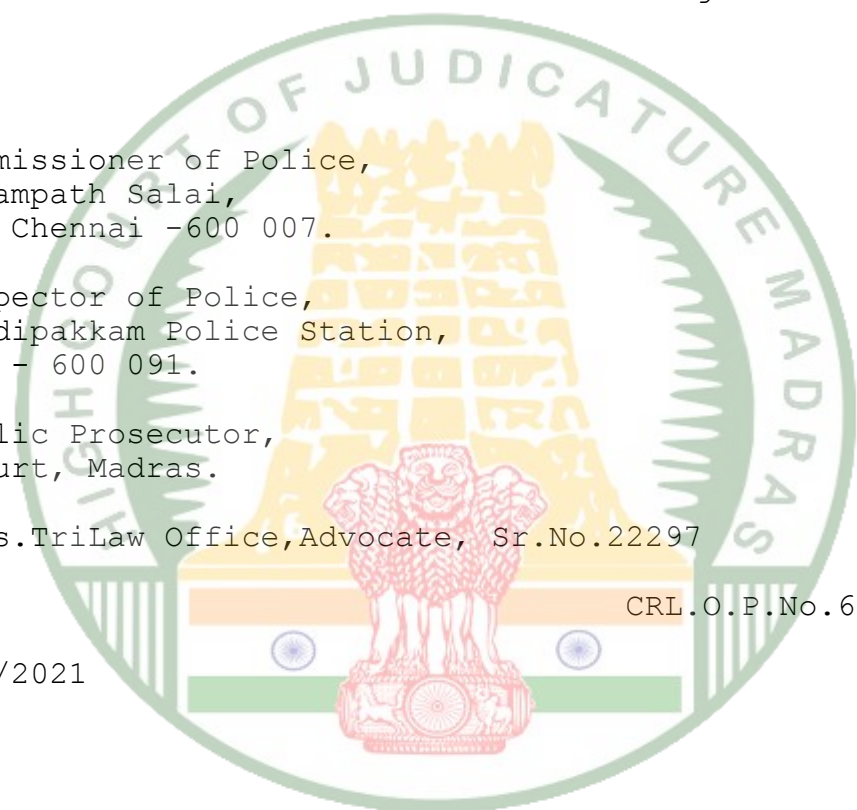
2.The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai - 600 091.

3.The Public Prosecutor,
High Court, Madras.

+cc to M/s.TriLaw Office,Advocate, Sr.No.22297

CRL.O.P.No.6840 of 2021

PMK(CO)
baf 05/05/2021



सत्यमेव जयते

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