

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.6857 of 2021

K.R.Rames

... Petitioner

Versus

1.The Deputy Commissioner of Police,
Mylapore, Greater Chennai,
Chennai 600 007.

2.The Assistant Commissioner of Police,
Royapettah Sub-Division,
Chennai.

3.The Inspector of Police, (Crime)
E-2, Royapettah Police Station,
Chennai.

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent to register the FIR on the basis of the complaint dated 04.09.2020 given by the petitioner dated to the 1st respondent in Vide CSR.No.28 of 2021.

For Petitioner : Mr.P.C.Santhosh kumar
For Respondents : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 3rd respondent to register the FIR on the basis of the complaint dated 04.09.2020 given by the petitioner to the 1st respondent Vide CSR. No. 28 of 2021.

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

klt

To

- 1.The Deputy Commissioner of Police,
Mylapore, Greater Chennai,
Chennai 600 007.
- 2.The Assistant Commissioner of Police,
Royapettah Sub-Division,
Chennai.
- 3.The Inspector of Police, (Crime)
E-2, Royapettah Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

CRL.O.P.No.6857 of 2021

KV(CO)
KKN 19.04.2021

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