

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.04.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.6961 of 2021

A.Venkatesan

... Petitioner

Versus

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

2.The State Rep. by
Inspector of Police,
S-15, Selaiyur Police Station,
Chennai - 600 059.

... 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 24.02.2021.

For Petitioner : Mrs.S.Ramadevi

For Respondents : Mr.M.Mohammed 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 24.02.2021 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

dna

To

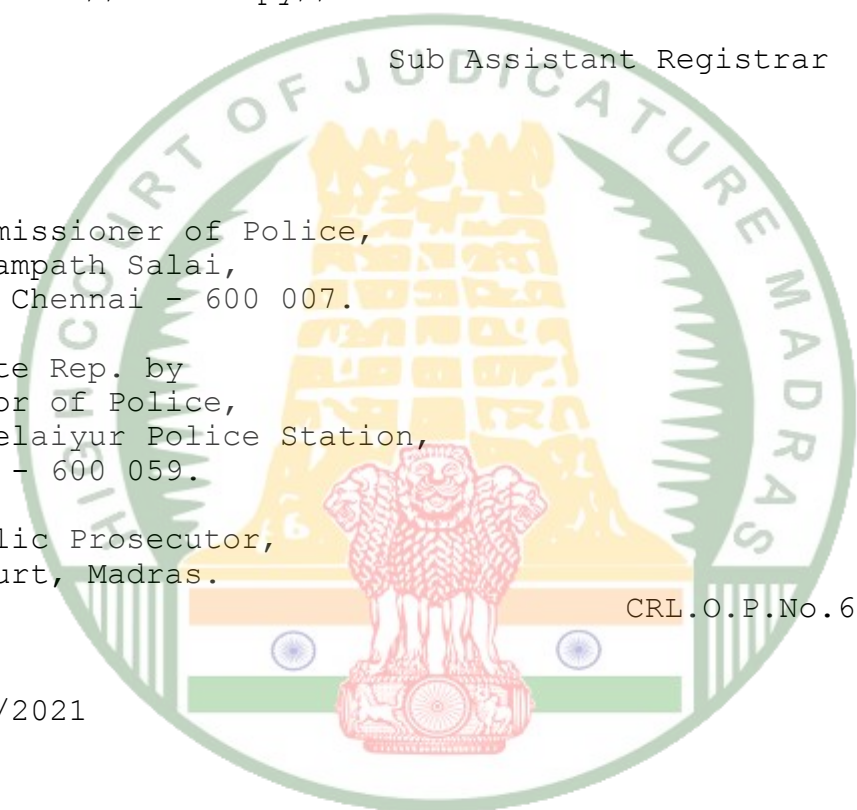
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Vepery, Chennai - 600 007.

2.The State Rep. by
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Chennai - 600 059.

3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.6961 of 2021

GPL(CO)
baf 15/04/2021

The seal of the Madras High Court is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The text "HON'BLE COURT OF JUDICATURE MADRAS" is written in a green circle around the central image. At the bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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