

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8050 of 2021

S.Sekar

... Petitioner

Versus

1.The Deputy Commissioner of Police,
Anna Nagar Police District,
Anna Nagar, Chennai-600 040.

2.The Assistant Commissioner of Police,
Anti Land Grabbing Special Cell,
Commissioner of Police Office,
Veperi, Chennai-600 007.

3.The Sub Inspector of Police,
Anti Land Grabbing Special Cell,
Commissioner of Police Office,
Veperi, Chennai-600 007.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent Police to register the case to the petitioner's complaint dated 06.02.2021 and same to investigate and the case in accord with law.

For Petitioner : Mr.V.Ganesh Rao
For Respondents: Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 3rd respondent Police to register a case based on the petitioner complaint dated 06.02.2021 pending on the file of the 3rd 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 Cr1 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Deputy Commissioner of Police,
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Anna Nagar, Chennai-600 040.
 - 2.The Assistant Commissioner of Police,
Anti Land Grabbing Special Cell,
Commissioner of Police Office,
Veperi, Chennai-600 007.
 - 3.The Sub Inspector of Police,
Anti Land Grabbing Special Cell,
Commissioner of Police Office,
Veperi, Chennai-600 007.
 - 4.The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.V. Ganesh, Advocate sr 25817

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VBM(CO)
SP(25/05/2021)