



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15764 of 2018

1. R.N.Inbavanan

2. M.P.Augustine Mary

...Petitioners

Versus

1. The Deputy Commissioner of Police,
Adyar, Chennai-600 020.

2. The Inspector of Police,
J-5, Police Station,
Sastri Nagar, Adyar,
Chennai.

3. Pratap
M-54, First Main Road,
Besant Nagar,
Chennai -600 090.

...Respondents

(Impleaded as a 3rd respondent as per the order
of this Court dated 20.06.2018 in
Crl.M.P.No.8125 of 2018 in
Crl.O.P.No.15764 of 2018)

PRAYER: Criminal Original Petition filed under Section 482 of
the Code of Criminal Procedure, to direct 2nd respondent to
register FIR on my complaints dated 30.04.2018 and proceed
further in accordance with law.

For Petitioners : M/s.Selvi George
For Respondents : Mr.A.Gopinath (R1 and R2)
Government Advocate (Crl.Side)
For Respondent : Mr.S.Rajasekar (R3)

ORDER

This Criminal Original Petition has been filed to direct the
second respondent Police to register a case based on the
petitioners complaint dated 30.04.2018 pending on the file of
the second respondent.



2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing on behalf of the respondents.

WEB COPY

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 petitioners to workout their 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

msrm

To

1. The Deputy Commissioner of Police,
Adyar, Chennai-600 020.

2. The Inspector of Police,
J-5, Police Station,
Sastri Nagar, Adyar,
Chennai.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S. Rajasekar, Advocate, SR 31591.

CRL.O.P.No.15764 of 2018

SV-I (CO)
LS (26/07/2021)