

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.7537 of 2021

R.S.Sakthivel

... Petitioner

Versus

State represented by its

1.The Assistant Commissioner of Police,
Pallavaram Range, Pallavaram,
Chennai - 600 043.

2.The Inspector of Police,
Pallavaram Police Station,
Pallavaram, Chennai - 600 043.

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register the complaints dated 29.09.2019 and 13.03.2021 and to take appropriate action against the accused person and to file a detailed report before this Court within a stipulated time period.

For Petitioner : Mr.M.Selvam

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents to register the petitioner complaints dated 29.09.2019 and 13.03.2021 and file an FIR.

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-IV)

//True copy//

Sub Assistant Registrar

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To

1.The Assistant Commissioner of Police,
Pallavaram Range, Pallavaram,
Chennai - 600 043.

2.The Inspector of Police,
Pallavaram Police Station,
Pallavaram, Chennai - 600 043.

3.The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to Mr.M.Selvam, Advocate SR.No.25114

सत्यमेव जयते

Cr1.OP.No.7537 of 2021

SVI (CO)

GMV (07/07/2021)

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