

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.OP.No.7642 of 2021

L.Saravanan

... Petitioner

Versus

State represented by,
The Inspector of Police (Crime Branch),
K2 Ayanavaram Police Station,
No.296, Konnur High Road,
Ayanavaram,
Chennai - 600 023.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register an FIR and take necessary action based on the complaint dated 27.01.2021 lodged by the petitioner.

For Petitioner : Mr.S.John J.Raja Singh

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

ORDER

This petition has been filed to direct the respondent to register the petitioner complaint dated 27.01.2021 and file an FIR.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.

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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Inspector of Police (Crime Branch),
K2 Ayanavaram Police Station,
No.296, Konnur High Road,
Ayanavaram,
Chennai - 600 023.

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

Crl.OP.No.7642 of 2021

GMR(CO)
SP(18/05/2021)

सत्यमेव जयते

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