

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.OP.No.7429 of 2021

S.Sasi Kumar

... Petitioner

Versus

1.The Commissioner of Police,
Chennai Metropolitan,
Veppery, Chennai-7.

2.State represented by its,
Inspector of Police,
M-4 Redhills Police Station,
Chennai.

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Inspector of Police, M-4 Redhills Police Station, Chennai to register the petitioner's complaint dated 20.03.2020.

For Petitioner : Mr.S.Suresh

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

ORDER

This petition has been filed to direct the third respondent to register the petitioner complaint dated 20.03.2020 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 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.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

mbi

To

1.The Commissioner of Police,
Chennai Metropolitan,
Veppery, Chennai-7.

2.The Inspector of Police,
M-4 Redhills Police Station,
Chennai.

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

+1cc to Mr.S.Suresh, Advocate SR.No.24532

Crl.OP.No.7429 of 2021

PVS (CO)

GMV (23/06/2021)

सत्यमेव जयते

WEB COPY