

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.8094 of 2021

E.Manoharan

... Petitioner

Versus

1.The Commissioner of Police,
No.132, Commissioner Office Buildings,
EVK Sampath Road, Vepery, Periyamet,
Chennai, Tamil Nadu-600 007.

2.The Assistant Commissioner of Police,
G-1, Vepery Police Station,
Vepery, Chennai-600 007.

3.The Inspector of Police,
G-1, Vepery Police Station,
Vepery, Chennai-600 007.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent Police Authorities to register the petitioner complaint dated 12.04.2021.

For Petitioner : Mr.A.M.Krishnamoorthy

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

सत्यमेव जयते
ORDER

This petition has been filed to direct the 3rd respondent Police to register the petitioner complaint dated 12.04.2021.

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 (CCC)

//True Copy//

Sub Assistant Registrar

mbi

To

- 1.The Commissioner of Police,
No.132, Commissioner Office Buildings,
EVK Sampath Road, Vepery, Periyamet,
Chennai, Tamil Nadu-600 007.
- 2.The Assistant Commissioner of Police,
G-1, Vepery Police Station,
Vepery, Chennai-600 007.
- 3.The Inspector of Police,
G-1, Vepery Police Station,
Vepery, Chennai-600 007.
- 4.The Public Prosecutor,
Madras High Court,
Chennai.

+2cc to Mr.A.M.Krishnamoorthy, Advocate, S.R.No. 26300

AK II (CO)
GN(07/07/2021)

Cr1.OP.No.8094 of 2021

WEB COPY