

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.8002 of 2021

L.B.Senthil Kumar

... Petitioner

Versus

State represented by
The Inspector of Police,
V 7, Nolambur Police Station,
Chennai 600037.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent, the Inspector of Police, V 7, Nolambur Police Station, to register a case on the basis of the petitioner's complaint dated 10.02.2021 and to proceed to investigate the same in accordance with law.

For Petitioner : Mr.N.S.Thanu Madhan

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

ORDER

This petition has been filed to direct the respondent to register a case on the basis of the petitioner's complaint dated 10.02.2021 and to proceed with the investigation in accordance with law.

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

vv2
To

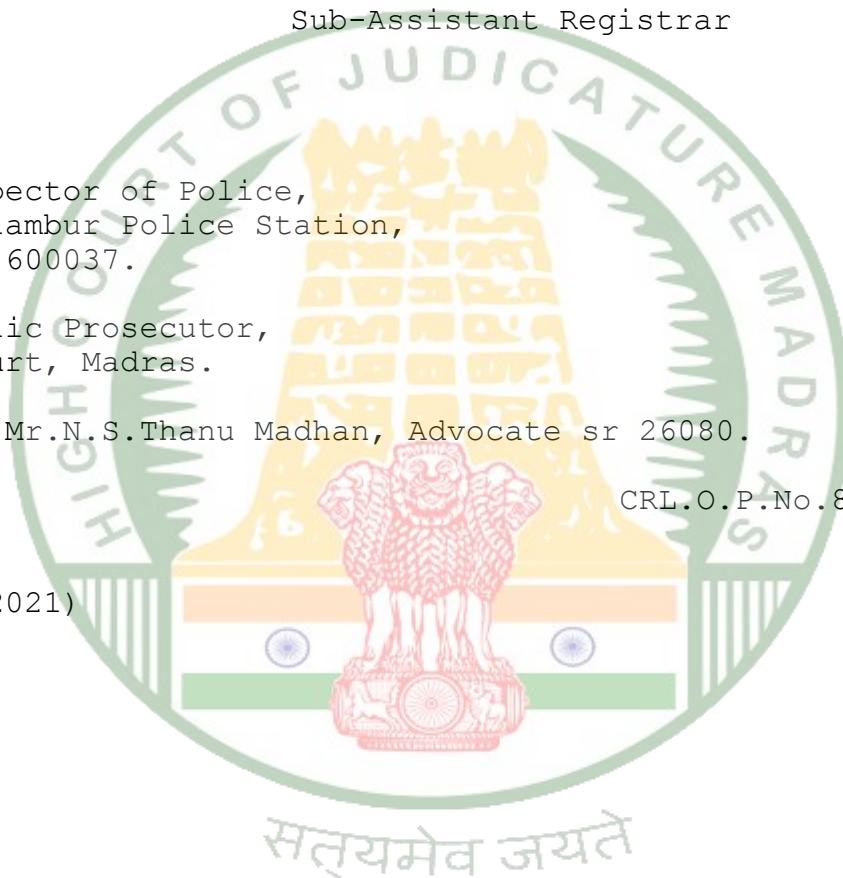
1.The Inspector of Police,
V 7, Nolambur Police Station,
Chennai 600037.

2.The Public Prosecutor,
High Court, Madras.

+2 Ccs to Mr.N.S.Thanu Madhan, Advocate sr 26080.

CRL.O.P.No.8002 of 2021

VBM(CO)
SP(15/06/2021)



WEB COPY