



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.13042 of 2021

Venkatesh Sang Sani

... Petitioner

Versus

1. State of Tamil Nadu rep by its
Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.
2. The Deputy Commissioner of Police,
G3 Police Station,
Kilpauk, Chennai - 600 007.
- 3.The Assistant Commissioner of Police,
G5-Police Station,
Chennai - 600 007.
4. The Inspector of Police,
G5 Secretariat Colony Police Station,
Ayanavaram, Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 4th respondent police to register the petitioner's complaint dated 19.06.2021 and file a FIR.

For Petitioner : Mr.S.Illamvaludhi

For Respondents: Mr.A.Damodaran
Additional Public Prosecutor (Crl.Side)

ORDER

This petition has been filed to direct the 4th respondent police to register the petitioner's complaint dated 19.06.2021 and file an FIR.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Crl.Side) 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 Cr1 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-V)

//True copy//

Sub Assistant Registrar

sms/gv

To

- 1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.
2. The Deputy Commissioner of Police,
G3 Police Station,
Kilpauk, Chennai - 600 007.
- 3.The Assistant Commissioner of Police,
G5-Police Station,
Chennai - 600 007.
4. The Inspector of Police,
G5 Secretariat Colony Police Station,
Ayanavaram, Chennai.
- 5.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.13042 of 2021

PVS(CO)
GMY(26/10/2021)