

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.13701 of 2021

Sher Khan

... Petitioner

Versus

1. The Assistant Commissioner of Police,
North Beach Police Station,
Chennai - 600 001.

2.The Inspector of Police,
C-5, Kothavalchavadi Police Station,
Chennai - 600 001.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent herein, to register the FIR, based on the complaint given by the petitioner dated 09.07.2021.

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.R.Vinothraja

Government Advocate (Cr1.Side)

ORDER

This petition has been filed to direct the 2nd respondent herein, to register the FIR, based on the complaint given by the petitioner dated 09.07.2021.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1.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 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 (CO)

// True Copy //

Sub Assistant Registrar

sms/gv

To

1. The Assistant Commissioner of Police,
North Beach Police Station,
Chennai - 600 001.

2.The Inspector of Police,
C-5, Kothavalchavadi Police Station,
Chennai - 600 001.

3.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.13701 of 2021

PVS(CO)
B.VC (26/10/2021)