

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.16693 of 2020

A.Abdul Kadhar

...Petitioner

.Vs.

State Rep by its:-

1. Superintendent of Police,
District Superintendent Office,
Kancheepuram District.

2. Inspector of Police,
Manimangalam Police Station,
Kancheepuram District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the complaint dated 29.09.2020 made by the petitioner to the respondents.

For Petitioner : Mr.V.Parivallal
For Respondents : Mr.M.Mohamed Riyaz
(Crl.Side)
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent to register the complaint dated 29.09.2020, made by the petitioner.

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.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

KP
To

1. The Superintendent of Police,
District Superintendent Office,
Kancheepuram District.
- 2.The Inspector of Police,
Manimangalam Police Station,
Kancheepuram District.
- 3.The Public Prosecutor,
High Court, Madras.

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VG II
A.SK(03.02.2021) .