

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.16760 of 2020

...Petitioner

D.Bhaskaran

.Vs.

1.The Commissioner of Police,
EVK Sampath Road, Greater Chennai,
Vepery, Chennai 600 007.

2.The Assistant Commissioner of Police,
Flower Bazaar Police Station,
Chennai 600 001.

3.The Inspector of Police,
Flower Bazaar Police Station,
Chennai 600 001.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue appropriate directions to the respondent police herein, to register the complaint of the petitioner dated 24.09.2020 and to take action against the accused persons named in the said complaint in accordance with law.

For Petitioner : Mr.S.Baskaran

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 respondent police to register the FIR based on the complaint given by the petitioner on 24.09.2020.

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 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 (CS-III)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Commissioner of Police,
EVK Sampath Road, Greater Chennai,
Vepery, Chennai 600 007.

2.The Assistant Commissioner of Police,
Flower Bazaar Police Station,
Chennai 600 001.

3.The Inspector of Police,
Flower Bazaar Police Station,
Chennai 600 001.

4.The Public Prosecutor,
High Court, Madras.

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RSV(CO)
CB(03/02/2021)