



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15733 of 2021

Gunasekaran,
S/o. Late Jayavel Achari ... Petitioner/Defacto Complainant

Versus

1. The Superintendent of Police,
Chengalpattu,
Chengalpattu Dt.
2. The Deputy Superintendent of Police,
Mathuranthagam,
Chengalpattu Dt.
3. The Inspector of Police,
Chithamoor Police Station,
Chengalpattu Dt. ... Respondents/Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent police to register case based on the petitioner's complaint dated 10.08.2021 and to proceed further in accordance with law.

For Petitioner : Mr.R.Sasikumar
For Respondents : Mr.R.Vinothraja
Govt. Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

This petition has been filed to direct the 2nd respondent Police to register a case based on the petitioner's complaint dated 10.08.2021 pending on the file of the 2nd respondent Police.



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.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

rpp/sp
To

1. The Superintendent of Police,
Chengalpattu, Chengalpattu Dt.
2. The Deputy Superintendent of Police,
Mathuranthagam, Chengalpattu Dt.
3. The Inspector of Police,
Chithamoor Police Station,
Chengalpattu Dt.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. R. Sasikumar, Advocate Sr. 51834

CRL.O.P.No.15733 of 2021

nr[co]
srg 20/10/2021