

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.18002 of 2020

A.Prakasam,
S/o.Arokiasamy.

...Petitioner/Defacto Complainant

.Vs.

1. The Deputy Commissioner of Police,
Pulianthope Range,
Office of the Deputy Commissioner of Police,
Otteri, Chennai 600012.

2. The Inspector of Police (Crime)
K1 Sembiam Police Station,
Perambur,
Chennai 600 011.

...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 13.05.2019 given by the petitioner.

For Petitioner : Mr.B.Muthukumar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent Police to register an FIR based on the petitioner's complaint dated 13.05.2019, pending on the file of the second 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 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.

This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS III)

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To

Sub Assistant Registrar

1. The Deputy Commissioner of Police,
Pulianthope Range,
Office of the Deputy Commissioner of Police,
Otteri, Chennai 600012.
2. The Inspector of Police (Crime)
K1 Sembiam Police Station,
Perambur,
Chennai 600 011.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Muthu Kumar, Advocate in Sr.411

सत्यमेव जयते

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