

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.17354 of 2020

K.Raghunathan

..Petitioner

Vs

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

2. The Deputy Commissioner of Police,
Central Crime Branch,
vepery, Chennai-7.

3. The Inspector of Police,
Central Crime Branch,
Vepery, Chennai-7.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police herein, to register the complaint of the petitioner dated 10.10.2020 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

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents Police to register a case based on the petitioner's complaint dated 10.10.2020, pending on the file of the first respondent Police.

2. Heard the learned counsel for the petitioner and the learned Government 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.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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Vepery, Chennai-600 007.

2. The Deputy Commissioner of Police,
Central Crime Branch,
vepery, Chennai-7.

3. The Inspector of Police,
Central Crime Branch,
Vepery, Chennai-7.

4. The Public Prosecutor,
High Court, Madras.

Crl.O.P No.17354 of 2020

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PM(CO)
SP(29/01/2021)