

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17922 of 2020

and Crl.MP.No.7950 of 2020

S.Alagarsamy

... Petitioner

Vs.

1. The Superintendent of Police
District Police Office
Chengalpet District.

2. The Inspector of Police
Pallavaram Police Station
Pallavaram
Chennai - 600 043.

3. R.Kannan

4. The Inspector of Police
Guduvancherry Police Station
Guduvancherry
Chengalpet District.
(Impleaded as per order dated 05.01.2021
in Crl. M.P. No. 7950 of 2020 in Crl. O.P.
No. 17922 of 2020)

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. directing the Second Respondent to provide Police protection to the Petitioner by considering his representation letter dated 04.09.2020.

For Petitioner : Mr.S.Radhakrishnan

For Respondents : Mr.M.Mohamed Riyaz- R1, R2 & R4
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for police protection to the petitioner.

2. Heard Mr.S.Radhakrishnan, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor, appearing on behalf of the respondents 1,2 & 4.

3. The relief sought for by the petitioner in the criminal Original Petition is for taking action against the accused person based on the complaint given by the petitioner on 28.08.2020 and 04.09.2020. The natural consequence of the complaint given by the petitioner would be to register an FIR and taken action.

4. 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.

5. In the result, this Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rli

To

1. The Superintendent of Police
District Police Office
Chengalpet District.

2. The Inspector of Police
Pallavaram Police Station
Pallavaram
Chennai - 600 043.

3. The Inspector of Police
Guduvancherry Police Station
Guduvancherry
Chengalpet District.

4. The Public Prosecutor
High Court of Madras
Chennai - 600 104.

RGN (CO)

SM/16/02/2021

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