

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17573 of 2020

1.A.Jayaraman

2.V.Bhaskaran

...Petitioners

.Vs.

1.Inspector of Police,
K.1, Sembiam Police Station,
Sembiam, Chennai - 11.

2.Commissioner of Police,
The Greater Chennai
Police Commissioner Office
No. 100, Poonamallee High Road,
Vepery, Chennai - 600 007.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register the complaint dated 18.05.2020 given by the petitioners and take necessary action in the matter.

For Petitioners : Mr.G.Dhanasekaran

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

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to direct the respondent Police to register an FIR based on the petitioners complaint dated 18.05.2020, pending on the file of the respondent police.

2.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing on behalf of the respondents.

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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 petitioners to workout her 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

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector of Police,
K.1, Sembiam Police Station,
Sembiam, Chennai - 11.
- 2.The Commissioner of Police,
The Greater Chennai
Police Commissioner Office
No. 100, Poonamallee High Road,
Vepery, Chennai - 600 007.
- 3.The Public Prosecutor,
High Court, Madras.

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