

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17839 of 2020

K.R.Yuvith

...Petitioner

.Vs.

1.The Commissioner of Police,
Greater Chennai Police Commissionerate
EVK Sampath Road,
Vepery, Chennai - 600007.

2.The state represented by,
Inspector of Police,
CCB, EDF II, Team IX (A),
EVK Sampath Road,
Vepery, Chennai - 600007.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register a case in connection with above said Complaint Dated 19.02.2020.

For Petitioner : Mr. A.Saravanan

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

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent Police to register an FIR based on the petitioner's complaint dated 19.02.2020, 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.

This Criminal Original Petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Commissioner of Police,
Greater Chennai Police Commissionerate
EVK Sampath Road,
Vepery, Chennai - 600007.

2.The Inspector of Police,
CCB, EDF II, Team IX (A),
EVK Sampath Road,
Vepery, Chennai - 600007.

3.The Public Prosecutor,
High Court, Madras.

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VSNI (CO)
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