



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.16982 OF 2021

Syed Rahmathullah Kani

... Petitioner

Versus

State rep. by:-

1. The Superintendent of Police,
Chengalpattu District,
Chengalpattu.
2. The Inspector of Police,
H-2, Guduvancherry Police Station,
Chengalpattu.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the FIR against the said M.H.Jawahirullah and his men's, based on the petitioner's complaint dated 22.08.2021.

For Petitioner : M/s.M.Mohamed Riyas

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor

For Intervenor : Mr.M.Mohamed Riyaz

ORDER

This petition has been filed to direct the 2nd respondent to register the FIR against the said M.H.Jawahirullah and his men's, based on the petitioner's complaint dated 22.08.2021.



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

WEB COPY

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.

Sd/-

Assistant Registrar(L.A)

// True Copy //

Sub Assistant Registrar

drm/sms

To

1. The Superintendent of Police,
Chengalpattu District,
Chengalpattu.
2. The Inspector of Police,
H-2, Guduvancherry Police Station,
Chengalpattu.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.16982 of 2021

PMK(CO)

RLP(07/10/2021)