



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16579 of 2021

B.Srinivasalu

....Petitioner

Versus

1. The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai-600 016.
2. The Assistant Commissioner of Police,
St.Thomas Mount Range,
Chennai-600 016
3. The Inspector of Police(Crime),
S-9, Pazhavanthangal, Police Station,
Chennai-600 114. .

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent police to conduct enquiry in connection with the petitioner complaint dated 10.02.2021 and 19.08.2021 and consequently take action as per law against the accused persons.

For Petitioner : Mr.B.Sridhar

For Respondents: Mr.A.Damodaran
Government Advocate(Crl.Side)

ORDER

This petition has been filed to direct the third respondent police to conduct enquiry in connection with the petitioner complaint dated 10.02.2021 and 19.08.2021 and consequently take action as per law against the accused persons.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) 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 Cr1 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(CO)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Deputy Commissioner of Police,
St.Thomas Mount,
Chennai-600 016.
2. The Assistant Commissioner of Police,
St.Thomas Mount Range,
Chennai-600 016
3. The Inspector of Police(Crime),
S-9, Pazhavanthangal, Police Station,
Chennai-600 114.

+1cc to Mr.B.Sridhar, Advocate, S.R.No.47947

CRL.O.P.No.16579 of 2021

CP(CO)
RGA(11/10/2021)