



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16419 of 2021

V.Raman.

... Petitioner

Versus

The State rep.by

1.The Commissioner of Police,
Greater Chennai Corporation,
Vepery,
Chennai - 600 007.

2.The Assistant Commissioner of Police,
Ashok Nagar Range,
Ashok Nagar Police Station,
Chennai - 600 083.

3.The Inspector of Police,
W - 26, All Women Police Station,
Ashok Nagar,
Chennai - 600 083.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent police herein to register the FIR in CSR No.15/W26/AWPS/2020, on the file of the 2nd respondent police complaint dated 23.01.2020 within a stipulated time frame.

For Petitioner : Mr.W.Camyles Gandhi.

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

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 23.01.2020 pending on the file of the 3rd respondent Police.

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 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.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-
Deputy Registrar(CS)

//True copy//

Sub Assistant Registrar

mrp/mpl

To

- 1.The Commissioner of Police,
Greater Chennai Corporation,
Vepery,
Chennai - 600 007.
- 2.The Assistant Commissioner of Police,
Ashok Nagar Range,
Ashok Nagar Police Station,
Chennai - 600 083.
- 3.The Inspector of Police,
W - 26, All Women Police Station,
Ashok Nagar,
Chennai - 600 083.

+1cc to Mr.W.Camylen Gandhi, Advocate SR.No.46784

+3cc to Mr.G.Gopalakrishnan, Advocate SR.No.47364

CRL.O.P.No.16419 of 2021

SK (CO)

<https://hcservices.courts.gov.in/hcservices/>
GMR (24/09/2021)