

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P. No.20243 of 2020

Abdul Ajis

.. Petitioner

.vs.

The State rep. By

The Inspector of Police, (Crime Branch),
G-5 Secretariat Colony Police Station,
Chennai-12.

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to conduct enquiry pertaining to the CSR.No.86 of 2020 dated 19.08.2020 issued on the complaint dated 18.08.2020 and register the FIR against the accused person in accordance with law.

For Petitioner : Mr.R.Abdul Mubeen

For Respondent : Mr.M.Mohamed Riyaz,
Addl. Public Prosecutor

ORDER

This petition has been filed to direct the respondent to conduct enquiry pertaining to the CSR.No.86 of 2020 dated 19.08.2020 issued on the complaint dated 18.08.2020 and register the FIR against the accused person in accordance with law.

2.Heard the learned counsel for the petitioner and the learned Addl. Public Prosecutor appearing on behalf of the respondent.

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.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr

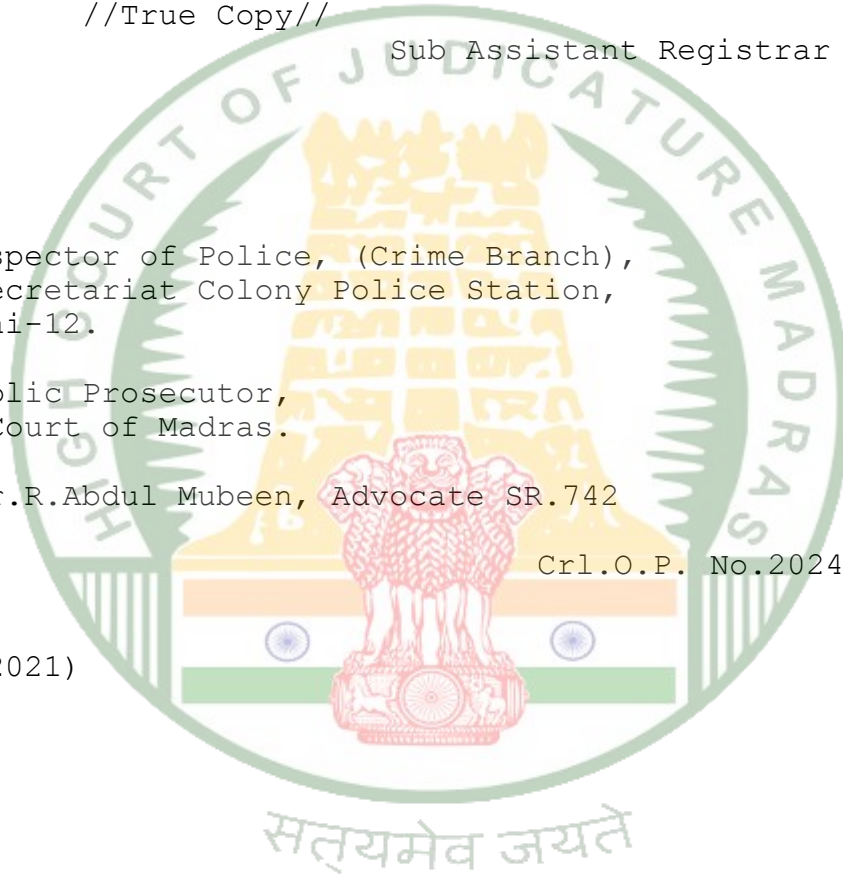
To

1. The Inspector of Police, (Crime Branch),
G-5 Secretariat Colony Police Station,
Chennai-12.
2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Abdul Mubeen, Advocate SR.742

Crl.O.P. No.20243 of 2020

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CB(02/02/2021)



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