

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.18294 of 2020

V.Saravanan

...Petitioner

.Vs.

1. The Commissioner of Police,
No.132, Commissioner Office Buildings,
E.V.K.Sampath Road,
Vepery, Periamet,
Chennai 600 007.
2. The Inspector of Police,
W 17 All Women Police Station,
No.111, Siva Elango Salai, 70 feet Road,
Periyar Nagar, Jhawhar Nagar,
Chennai 600 082.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the complaint and investigate and file a FIR on the complaint given by the petitioner's sister on 18.06.2020.

For Petitioner : Mr.S.Prabhakar
For Respondents : Mr.M.Mohamed Riyaz
(Crl.Side)
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent to register the complaint based on the complaint given by the petitioner's sister on 18.06.2020.

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.

Sd/-

Assistant Registrar(CS III)

//True Copy//

KP
To

Sub Assistant Registrar

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Chennai 600 082.
3. The Public Prosecutor,
High Court, Madras.

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RSI (CO)
rv(03/02/2021)

सत्यमेव जयते

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