



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17182 of 2021

RJV Kaiwar

... Petitioner

Versus

1. The Inspector of Police,  
J2-Adyar Police Station,  
LB Road, Adyar,  
Chennai 600020.

2. C.K.Sridhar.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to register a case and order investigation against the 2nd respondent based on my complaint dated 04-07-2021 in CSR No.191/2021 on the file of the J-2 Adyar Police Station, Chennai-20 and as per the order dated 17-08-2021 made in CrI.M.P.No.276 of 2021 on the file of the IX Metropolitan Magistrate Court, Saidapet.

For Petitioner : Mr.S.Thirumavalavan.

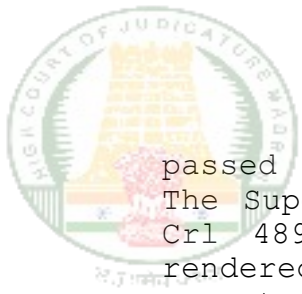
For Respondents: Mr.R.Vinoth Raja,  
Government Advocate (crl.side)  
for respondent R1.

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 04.07.2021 pending on the file of the respondent Police.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) 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 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 (CS-III)

//True Copy//

Sub Assistant Registrar

mpl

To

1. The IX Metropolitan Magistrate Court,  
Saidapet,  
Chennai.
2. The Inspector of Police,  
J2-Adyar Police Station,  
LB Road, Adyar,  
Chennai 600020.
3. The Public Prosecutor,  
High Court of Madras,  
Chennai-104.

+1cc to Mr.Thirumavalavan, Advocate, S.R.No.49397

CRL.O.P.No.17182 of 2021

PCH(CO)  
SU(27/10/2021)