



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17230 OF 2021

R.Vinithra

... Petitioner

Versus

1. The Commissioner of Police,
Chennai City, Veppery,
Chennai - 600 007.
2. The Assistant Commissioner of Police,
J9 Police Station, Thuraipakkam,
Chennai - 600 097.
3. The Inspector of Police,
J9 Police Station,
Thuraipakkam,
Chennai - 600 097.

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents herein to register FIR on the petitioner's complaint - CSR No.71/2021 dated 02.02.2021 and to investigate the same in accordance with law.

For Petitioner : Mr.S.Bala Ganesh.

For Respondents: Mr.R.Vinoth Raja,
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 02.02.2021 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 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 Commissioner of Police,
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Chennai - 600 007.
2. The Assistant Commissioner of Police,
J9 Police Station,
Thuraipakkam,
Chennai - 600 097.
3. The Inspector of Police,
J9 Police Station,
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Chennai - 600 097.

+1cc to Mr.S.Bala Ganesh, Advocate, S.R.No.49565

CRL.O.P.No.17230 of 2021

GPL(CO)
CS/27/10/2021