



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17436 of 2021

J.Mohammed Ibrahim

... Petitioner

Versus

The State rep by
Inspector of Police,
N-1, Royapuram Police Station,
Chennai -600 021

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register the petitioner's complaint dated 11.09.2020 vide CSR No.600 of 2020 on the file of the respondent and file a FIR.

For Petitioner : Mr.P.Arasan

For Respondent : Mr.R.Vinothraja
Gov. Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 11.09.2020 pending on the file of the respondent Police.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal 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 IX)

//True Copy//

Sub Assistant Registrar

rpp/nr

To

1.Inspector of Police,
N-1, Royapuram Police Station,
Chennai -600 021

2.The Public Prosecutor,
High Court, Madras.

+2CCs to Mr.P.Arasan, Advocate, Sr.No.51370

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BS (CO)
K.RK. (13.10.2021)