

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19401 of 2020

M.Devaraj

... Petitioner

Vs.

1. The Inspector of Police
S10, Pallikaranai Police Station,
Pallikaranai, Chennai-100.

2. The Inspector of Police,
Economic Offences Wing,
Thiruvika Industrial Estate,
Guindy, Chennai-32.

(R2 impleaded by order dated 07.01.2021
by NAVJ in Crl.M.P.No.8857 of 2020)

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the petitioner complaint dated 22.10.2020 on the file of the respondent Police.

For Petitioner : Mr.V.Venkatesan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents Police to register a case based on the petitioner's complaint dated 22.10.2020, pending on the file of the respondent Police.

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.

4. This Criminal Original Petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rli

To

1. The Inspector of Police
S10, Pallikaranai Police Station,
Pallikaranai, Chennai-100.

2. The Inspector of Police,
Economic Offences Wing,
Thiruvika Industrial Estate,
Guindy, Chennai-32.

+1 cc to Mr.Venkatesan Advocate sr284

Crl.O.P.No.19401 of 2020
and

Crl. M.P. No. 8857 of 2020

mg(co)
aa11/02/2021

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