



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17504 of 2021

S.Rajamani
W/o.Saathurak

...Petitioner

Versus

1. Deputy Commissioner of Police ,
Anna Nagar Police Range,
Anna Nagar, Chennai-40.

2. The Inspector of Police, (L/O)
K-8, Arumbakkam Police Station,
Arumbakkam, Chennai-600 106

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd Respondent police to register a case on the complaint lodged by the petitioner on 18.12.2020 in CSR.No.402 of 2020 to the 2nd respondent on the file of the Inspector of Police, K-8 Arumbakkam Police Station, Chennai and investigate into the matter and file a final report before this Hon'ble Court.

For Petitioner : Mr.V.Devendhiran

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

ORDER

(This case has been heard through video conference)

This petition has been filed to direct the 2nd respondent Police to register a case based on the petitioner's complaint dated 18.12.2020 pending on the file of the 2nd respondent Police.

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

//True Copy//

Sub Assistant Registrar

rpp/nr

To

1. The Deputy Commissioner of Police ,
Anna Nagar Police Range,
Anna Nagar, Chennai-40.
2. The Inspector of Police, (L/O)
K-8, Arumbakkam Police Station,
Arumbakkam, Chennai-600 106
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Devendhiran , Advocate, S.R.No.51149

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PPA[co]
NSK 20/10/2021