



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17682 OF 2021

M.Kanagaraj

....Petitioner

Versus

1. The Commissioner of Police,
Greater Chennai City,
No.132, Commissionerate Building,
EVK Sampath Road, Vepery,
Chennai-600 007.

2. The Inspector of Police,
K.1,Sembium Police Station,
Perambur, Chennai-600 011.

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register a case on the petitioner's complaint dated 07.12.2020 and investigate the same and file final report.

For Petitioner : Mr.S.Pushpakaran

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

ORDER

This petition has been filed to direct the respondents to register a case on the petitioner's complaint dated 07.12.2020 and investigate the same and file final report.

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(CS III)

//True Copy//

Sub Assistant Registrar

nr/sms

To

1. The Commissioner of Police,
Greater Chennai City,
No.132, Commissionerate Building,
EVK Sampath Road, Vepery,
Chennai-600 007.
2. The Inspector of Police,
K.1,Sembium Police Station,
Perambur, Chennai-600 011.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Pushpakaran, Advocate, S.R.No.51656

CRL.O.P.No.17682 of 2021

SV(CO)
PM/27/10/2021