



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.17706 of 2021

G.Muthukumaran

....Petitioner

Versus

1. The Superintendent of Police,
Chengelput.
2. The Deputy Superintendent of Police
Chengelput.
3. The Inspector of Police,
Palur Police Station,
Palur,
Chengelput District.

....Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents herein to register the complaint and take action based on the C.S.R.No. 47 of 2021 dated 02.02.2021 issued by the 3rd respondent and the representation of the petitioner to the 1st and 2nd respondents herein within the time frame fixed by this Hon'ble Court.

For Petitioner : Mr.R.Thenamirtha Shyamala

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

ORDER

This petition has been filed to direct the respondents herein to register the complaint and take action based on the C.S.R.No. 47 of 2021 dated 02.02.2021 issued by the 3rd respondent and the representation of the petitioner to the 1st and 2nd respondents herein within the time frame fixed by this Hon'ble Court.

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 Cr1 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 VII)

//True Copy//

Sub Assistant Registrar

nr/sms

To

1. The Superintendent of Police,
Chengelpet.
2. The Deputy Superintendent of Police
Chengelpet.
3. The Inspector of Police,
Palur Police Station,
Palur, Chengelpet District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.T.Shyamala, Advocate, S.R.No.51391

CRL.O.P.No.17706 of 2021

GSM[co]
NSK 28/10/2021