



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18099 of 2021

R.Murugan

...Petitioner

Versus

1.The Commissioner of Police,
O/o. The Greater Chennai Commissioner
of Police, Vepery,
Chennai - 600 007.

2.The Inspector of Police,
H-8, Thiruvottiyur Crime Branch Police Station,
Thiruvottiyur,
Chennai - 600 019.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register the case on the basis of the petitioner's complaint dated 03.08.2021 respectively and investigate the matter in accordance with law and file a final report before the competent court of law at the earliest possible time.

For Petitioner : Mr.K.Shivakumar.
For Respondents: Mr.R.Vinothraja
Government Advocate(Crl.side)

ORDER

(This case has been heard through video conference)

This petition has been filed to direct the respondents to register a case based on the petitioner's complaint dated 03.08.2021 pending on the file of the 2nd respondent Police.

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

True Copy

Sub-Assistant Registrar

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To

- 1.The Commissioner of Police,
O/o. The Greater Chennai Commissioner
of Police, Vepery,
Chennai - 600 007.
 - 2.The Inspector of Police,
H-8, Thiruvottiyur Crime Branch Police Station,
Thiruvottiyur,
Chennai - 600 019.
 3. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.K.Shivakumar, Advocate sr 52543.

CRL.O.P.No.18099 of 2021

JP II (CO)
SP(01/11/2021)