



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

WEB COPY

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.18372 OF 2021

J.Sivanandaraaj

...Petitioner

Versus

The Inspector of Police (Crime),
E1, Mylapore Police Station,
Chennai 600004.

...Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to investigate and register a FIR on the complaint of the petitioner dated 11.02.2021 vide CSR No.256/2021 and take appropriate action in accordance with law.

For Petitioner	:	Mr.S.Adeesh Anto
For Respondents	:	Mr.R.Vinoth Raja, Government Advocate (crl.side)

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 11.02.2021.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) appearing on behalf of the respondent.

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 CrI 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

mpl

To

1.The Inspector of Police (Crime),
E1, Mylapore Police Station,
Chennai 600004.

2.The Public Prosecutor,
High Court,
Madras.

CRL.O.P.No.18372 of 2021

CA(CO)
RVM(10/11/2021)