



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.18378 OF 2021

M.Yusuf Khan

... Petitioner

Versus

1. The Commissioner of Police
Greater Chennai,
Vepery, Chennai 600 003
2. The Joint Commissioner,
Chennai North, B1 Police Station,
Chennai-600 001.
3. The Inspector of Police
N2, Crime, Royapuram
Chennai-600 013.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the FIR in the complaint given by the petitioner herein on 08.10.2020..

For Petitioner : Mr.M.Soundar Vijay Arul Ram

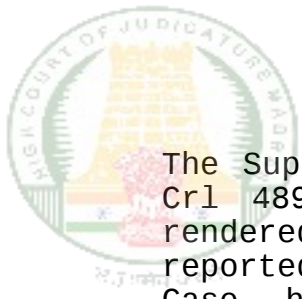
For Respondents : Mr.R.Vinoth Raja,
Government Advocate (crl.side)

ORDER

This petition has been filed to direct the 3rd respondent Police to register a case based on the petitioner's complaint dated 08.10.2020.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.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 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-IV)

// True Copy //

Sub Assistant Registrar

mpl

To

1. The Commissioner of Police
Greater Chennai,
Vepery, Chennai 600 003.
2. The Joint Commissioner,
Chennai North, B1 Police Station,
Chennai-600 001.
3. The Inspector of Police
N2,Crime, Royapuram
Chennai-600 013.
4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.18378 of 2021

VBM(CO)
RLP(26/10/2021)