

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P. No.19789 of 2020

R.MANOCHARAN

.. Petitioner

.vs.

THE STATE OF TAMILNADU
REPRESENTED BY
THE INSPECTOR OF POLICE
M1, POLICE STATION
MADHAVARAM HIGH ROAD
MADHAVARAM
CHENNAI 600 110.

.. Respondent

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the respondent police to register FIR the petitioner's complaint dated 27.02.2020 and file a FIR.

For Petitioner : M/s.Chennai Law Associates
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent police to register FIR based on the petitioner's complaint dated 27.02.2020 and file a FIR.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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.

-s/d-
Assistant Registrar

True Copy

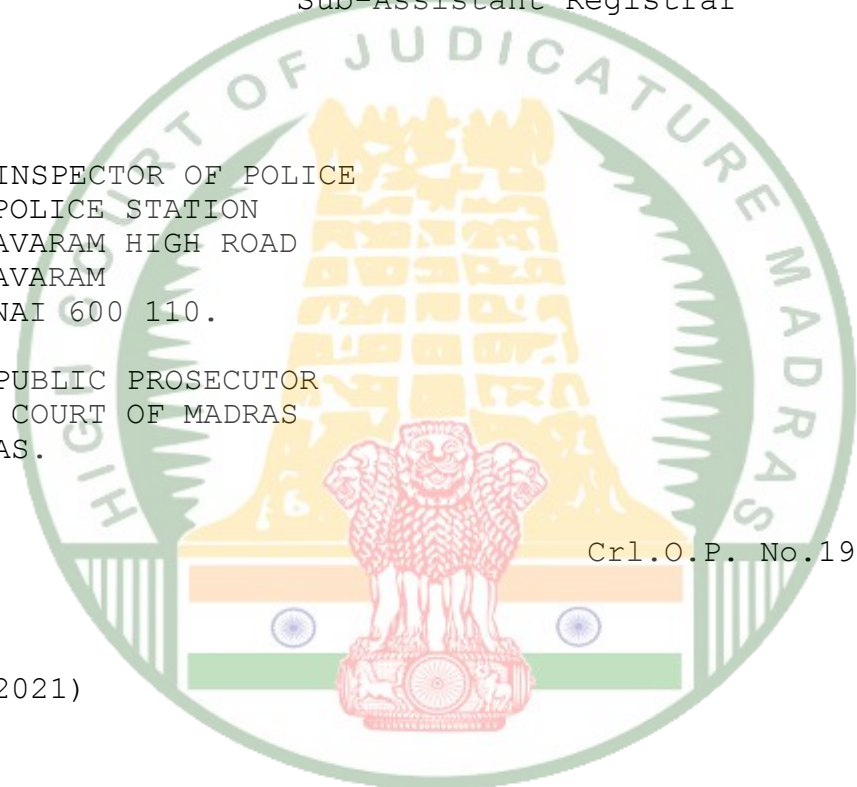
Sub-Assistant Registrar

To

1. THE INSPECTOR OF POLICE
M1, POLICE STATION
MADHAVARAM HIGH ROAD
MADHAVARAM
CHENNAI 600 110.
2. THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS
MADRAS.

Cr1.O.P. No.19789 of 2020

SR(CO)
SP(03/02/2021)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is set against a background of a green and white striped banner. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green arc around the top of the seal. At the bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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