

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.19880 of 2020

A.Mohammed Ismail

.. Petitioner

Vs.

State rep. by

1. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery, Chennai - 07.

2. The Inspector of Police, (Law & Order)
S-10, Pallikaranai Police Station,
Pallikaranai, Chennai - 600 064.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to take action against the accused person namely Gopi and conduct an inquiry and investigate the same in accordance with law based on the complaint dated 10.11.2020 which was send to the all the respondents.

For Petitioner : Mr.V.Babu

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This petition has been filed to direct the 2nd respondent to take action against the accused person namely Gopi and conduct an inquiry and investigate the same in accordance with law based on the complaint dated 10.11.2020.

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

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery, Chennai - 07.
2. The Inspector of Police, (Law & Order)
S-10, Pallikaranai Police Station,
Pallikaranai, Chennai-600 064.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.19880 of 2020

AK(CO)
RMP(26/02/2021)

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