



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.NO.23063 OF 2021

A.Rajesh

... Petitioner

Versus

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

2. The State,
Rep. by the Inspector of Police (Crime),
J-8, Neelankarai Police Station,
Neelankarai, Chennai - 600 041.

3. K.S.Prakash
4. K.S.Sreedhar
5. V.Venkatraj
6. Kannan

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to order investigation on the petitioner's complaint dated 08.09.2021 and proceed further in accordance with law.

For Petitioner : Mr.J.Ashok

For R1 & R2 : Mr.A.Damodaran
Additional Public Prosecutor

O R D E R

This Writ Petition is filed to direct the first respondent herein to order investigation on the petitioner's complaint dated 08.09.2021 and proceed further in accordance with law.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing on behalf of the respondent police.

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 Writ Petition is disposed of accordingly. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
2. The Inspector of Police (Crime),
J-8, Neelankarai Police Station,
Neelankarai, Chennai - 600 041.
3. The Public Prosecutor,
High Court, Madras.

W.P.NO.23063 OF 2021

VGII(CO)
PBS/22/11/2021