

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P. No.19951 of 2020

PRASANTH

.. Petitioner

.vs.

THE STATE REP. BY
THE SUB-INSPECTOR OF POLICE (CRIME)
VIRUGAMBAKKAM POLICE STATION
CHENNAI.

.. Respondent

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register a case based on the complaint of the petitioner dated 11.10.2020 pending CSR No.449/2020 on the file of the respondent.

For Petitioner : Mr.K.Thenrajan

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

ORDER

This petition has been filed to direct the respondent to register a case based on the complaint of the petitioner dated 11.10.2020 pending CSR No.449/2020 on the file of the respondent

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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

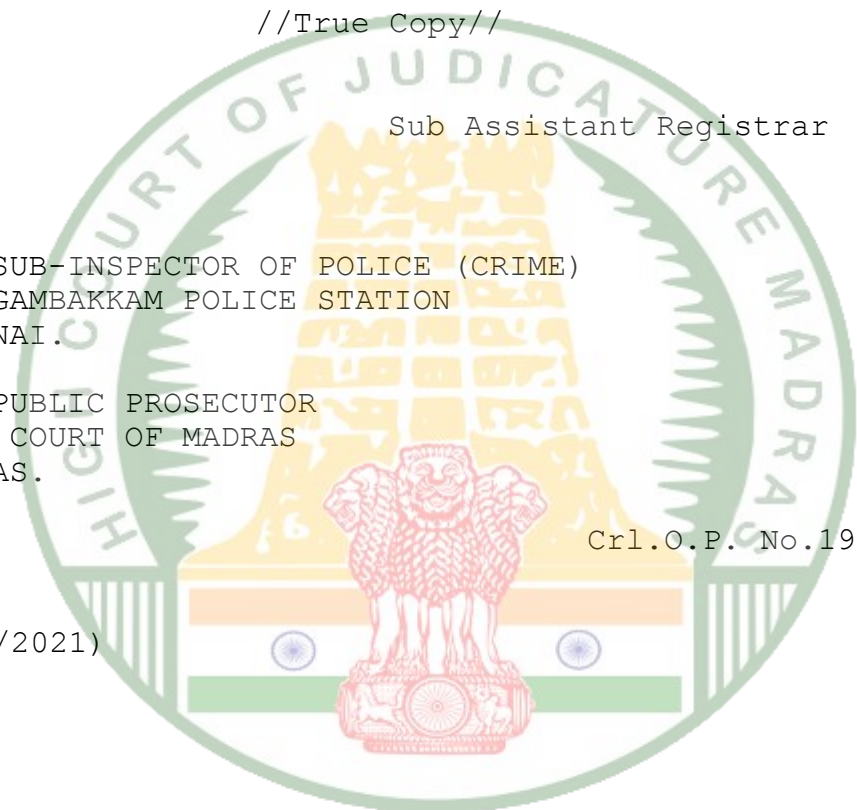
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To

1. THE SUB-INSPECTOR OF POLICE (CRIME)
VIRUGAMBAKKAM POLICE STATION
CHENNAI.
2. THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS
MADRAS.

Cr1.O.P. No.19951 of 2020

RGN (CO)
RMP (29/01/2021)

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 flanked by two green trees. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green arc around the top. At the bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script. The entire seal is overlaid with a large, light grey "WEB COPY" watermark.

सत्यमेव जयते

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