



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.18854 OF 2021

K.Gunasekaran  
S/o.Karuppasamy

... Petitioner

Versus

The State Rep. by  
The Inspector of Police,  
Avadi Police Station,  
Ambattur, Chennai.

... Respondent

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the petitioner's complaint dated 26.07.2021 vide C.S.R.No.857 of 2021 on the file of the respondent.

For Petitioner : Mr.B.Thirumalai

For Respondent : Mr.R.Vinothraja  
Government Advocate  
(Crl. Side)

ORDER

(This case has been heard through video conference)

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 26.07.2021 pending on the file of the respondent Police.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) 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 Cr1 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 II)

//True Copy//

Sub Assistant Registrar

nr/rpp

To

1. The Inspector of Police,  
Avadi Police Station,  
Ambattur, Chennai.
2. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.B.Thirumalai, Advocate, S.R.No.54325 (05/07/2022)

CRL.O.P.NO.18854 OF 2021

RSV(CO)  
PBS/02/11/2021