



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.18712 of 2021

Gunasekaran

... Petitioner

Versus

1.The State rep by
The Superintendent of Police,
Kancheepuram District.

2.The Inspector of Police,
Chithamur Police Station,
Chengalpattu District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent herein to register the complaint of the petitioner dated 23.03.2019 as First Information Report under appropriate penal provisions of law.

For Petitioner : Mr.K.Thilagaraj

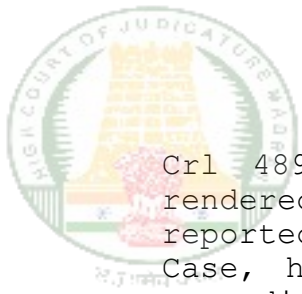
For Respondents : Mr.R.Vinothraja,
Government Advocate (crl.side)

ORDER

This petition has been filed to direct the respondents Police to register a case based on the petitioner's complaint dated 23.03.2019.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) 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



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 (CS-V)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Superintendent of Police,
Kancheepuram District.
2. The Inspector of Police,
Chithamur Police Station,
Chengalpattu District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Magesh Kumar, Advocate, S.R.No.54575

CRL.O.P.No.18712 of 2021

SR-II (CO)
SU(10/11/2021)