

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.20785 of 2020

S.Manikanda Yadav

.. Petitioner

Vs.

1.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Ashok Nagar Range,
Chennai.

2.The Inspector of Police,
R-10 MGR Nagar Police Station,
Chennai - 600 083.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents herein to register the FIR on the basis of the complaint given by the petitioner dated 28.01.2020.

For Petitioner : Mr.R.Esakki Raja

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

O R D E R

This petition has been filed to direct the respondents herein to register the FIR on the basis of the complaint given by the petitioner dated 28.01.2020.

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 Cr1 489. The Hon'ble Supreme Court in its latest judgment rendered by a three Judge Bench in M. Subramaniam v. S. Janaki

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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 (CS-III)

//True Copy//

Sub Assistant Registrar

ssr/drl

To

- 1.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Ashok Nagar Range,
Chennai.
- 2.The Inspector of Police,
R-10 MGR Nagar Police Station,
Chennai - 600 083.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Esakki Raja, Advocate SR.631

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AJS (CO)
CB(03/02/2021)

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