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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20009 of 2021

V.Rajendran

...Petitioner

Versus

State of Tamil Nadu
Rep by the Inspector of Police,
N-1, Royapuram Police Station,
Chennai - 600 013.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register a case/FIR against the accused persons based on the complaint of the petitioner dated 26.09.2021, which was duly acknowledged on 28.09.2021 vide CSR No.623 of 2021.

For Petitioner : Mr.E.Senthilkumar

For Respondent : Mr.R.Vinoth Raja
Government Advocate (Crl. side)

ORDER

This petition has been filed to direct the respondent police to register a case/FIR against the accused persons based on the complaint of the petitioner dated 26.09.2021, which was duly acknowledged on 28.09.2021 vide CSR No.623 of 2021.

2.Heard the learned counsel for the petitioner and the learned Government Advocate 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 Crl 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.

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4.This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

drm/sms

To

1. The Inspector of Police,
N-1, Royapuram Police Station,
Chennai - 600 013.

2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.Senthilkumar, Advocate, S.R.No.56998

CRL.O.P.No.20009 of 2021

PM[co]
NSK 24/11/2021