

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21110 of 2020

Selva Kumaraswamy

.. Petitioner

.vs.

The Inspector of Police,
T 14, Mangadu Police Station,
Plot No.2, Mangadu,
Chennai - 600 122.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register a case based upon the petitioner's complaint dated 02/11/2020 bearing CSR No.1575 of 2020.

For Petitioner : Mr.M.Madhu Prakash

For Respondent : Mr.M.Mohamed Riyaz, (Crl.Side)
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent to register a case based upon the petitioner's complaint dated 02/11/2020 bearing CSR No.1575 of 2020.

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 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

This Criminal Original Petition is disposed of accordingly.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr

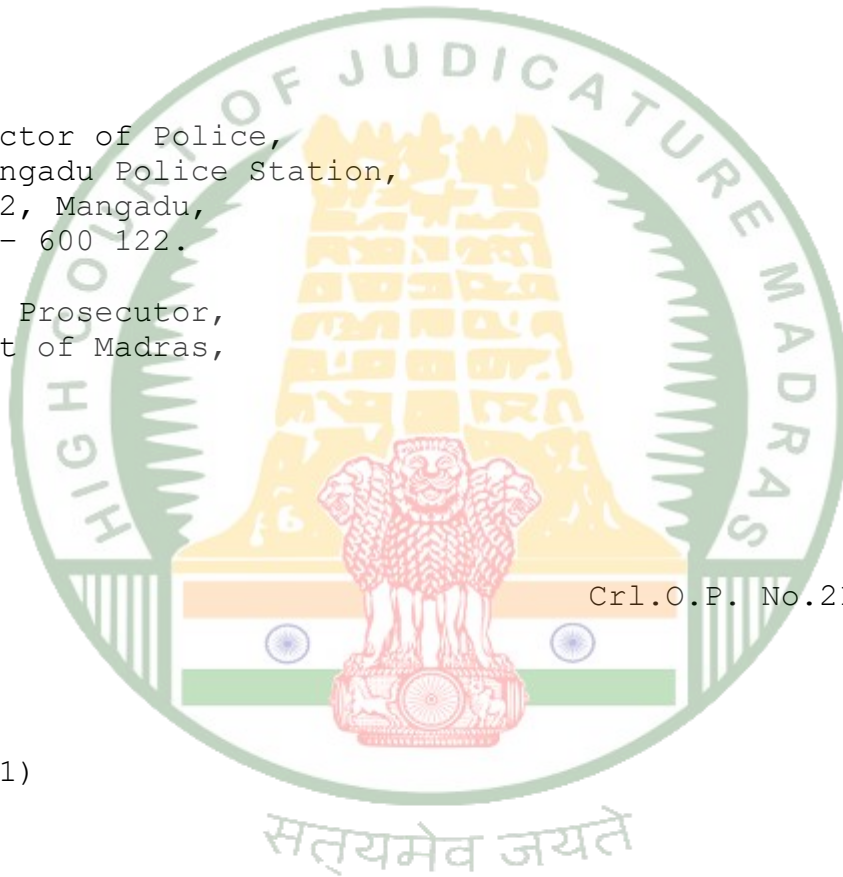
To

1. The Inspector of Police,
T 14, Mangadu Police Station,
Plot No.2, Mangadu,
Chennai - 600 122.

2. The Public Prosecutor,
High Court of Madras,
Madras.

Cr1.O.P. No.21110 of 2020

RSV(CO)
KP(12/02/2021)



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