



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.20376 OF 2021

M.Ashokan

... Petitioner/Complainant

Versus

1. The Commissioner of Police
O/o.the Commissioner of Police
Vepery
Chennai 600 007.

2. The Inspector of Police
Central Crime Branch, Chennai
Vepery
Chennai 600 007.

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction to the respondents to register a case dated 02.07.2021 against the above said Krishna Kumar and his wife Mrs.Vijayalakshmi by conducting a fair investigation and file a report for the perusal of the Court.

For Petitioner : Mr.MA.Gouthaman

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to issue a direction to the respondents to register a case dated 02.07.2021 against the above said Krishna Kumar and his wife Mrs.Vijayalakshmi by conducting a fair investigation and file a report for the perusal of the Court.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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 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 IX)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Commissioner of Police
O/o.the Commissioner of Police
Vepery
Chennai 600 007.
2. The Inspector of Police
Central Crime Branch, Chennai
Vepery
Chennai 600 007.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.MA.Gouthaman, Advocate, S.R.No.57935

CRL.O.P.No.20376 of 2021

BR(CO)
PM/29/11/2021