



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20825 of 2021

M.Pandiyan

... Petitioner

Versus

1. The Superintendent of Police,
Chengalpet District.

2. The Inspector of Police,
Kelampakkam Police Station,
Chengalpet District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent police to register the FIR against the accused on the basis of the petitioner's complaint dated 18.12.2020 in time bound manner.

For Petitioner :Mr.R. Karunagaran

For Respondent :Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the second respondent police to register the First Information Report against the accused on the basis of the petitioner's complaint dated 18.12.2020 in time bound manner.

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

4. This Criminal Original Petition is disposed of accordingly.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

dna/rgi
To

1. The Superintendent of Police,
Chengalpet District.
2. The Inspector of Police,
Kelampakkam Police Station,
Chengalpet District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Karunagaran, Advocate Sr.59348

CRL.O.P.No.20825 of 2021

bs[co]
srg 30/11/2021