



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.20495 of 2021

S.Raja

... Petitioner

Versus

1.The Deputy Commissioner of Police
Madhavaram Police Station
Madhavaram
Chennai.

2.State Rep.by
The Inspector of Police
Madhavaram Police Station
Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent police to register FIR on the basis of the petitioner's complaint dated 23.09.2021 pending on the file of the respondent Police.

For Petitioner : Mr.K.J.Saravanan

For Respondents: Mr.A.Damodaran for R1
Additional Public Prosecutor

ORDER

This petition has been filed to direct the second respondent police to register the First Information Report on the basis of the petitioner's complaint dated 23.09.2021 pending on the file of the respondent Police.

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 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(CS II)

//True Copy//

Sub Assistant Registrar

dna
To

1.The Deputy Commissioner of Police
Madhavaram Police Station
Madhavaram
Chennai.

2.The Inspector of Police
Madhavaram Police Station
Chennai.

3.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.20495 of 2021

SR II(CO)
A.SK(30.11.2021)