



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.21080 of 2021

and

Crl.O.P.No.20038 of 2021

Crl.O.P.No.21080 of 2021:

S.Mohamaed Abbas

...Petitioner

Versus

1. The Deputy Commissioner of Police,
Thirumangalam Range,
Anna Nagar West Extension,
Chennai - 600 101.

2. The Assistant Commissioner of Police,
Thirumangalam Range,
Anna Nagar West Extension,
Chennai - 600 101.

3. The Inspector of Police,
V-7, Nulambur Police Station,
6th Street, Mugapair
Chennai - 600 037.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure that this Hon'ble Court may be pleased to direct the third respondent to register FIR on the petitioner's complaint dated 02.09.2021 and to investigate the same.

For Petitioner : Mr. Naresh Kumar.

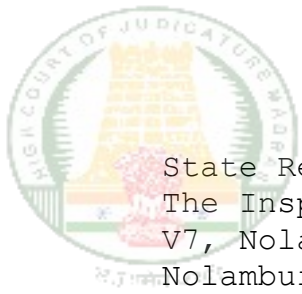
For Respondent : Mr. E.Raj Thilak,
Additional Public Prosecutor

Crl.O.P.No.20038 of 2021:

Soundarapandian

...Petitioner

Versus



State Represented by
The Inspector of Police,
V7, Nolambur Police Station,
Nolambur, Chennai.

WEB COPY

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure that this Hon'ble Court may be pleased to direct the respondent to register a FIR in the petitioner dated 30.08.2021 in C.S.R. No.329/2021 dated 09.09.2021.

For Petitioner : Mr. K.Balasubramaniam.

For Respondent : Mr.E.Raj Thilak,
Additional Public Prosecutor

C O M M O N O R D E R

These petitions have been filed to direct the respondent police to register the FIR on the complaints of the petitioners in both Criminal Original Petitions and to investigate the same.

2.Heard the learned counsel appearing for the petitioners and learned Additional Public Prosecutor appearing on behalf of the respondents.

3.The learned Additional Public Prosecutor submits that the petitioners, who had approached this Court is not co-operating with the investigation, despite several reminders have been sent to the petitioners to appear before the respondent police for enquiry.

4.The learned counsel appearing for the petitioners on instruction submits that the petitioners are willing to appear before the respondent police on 01.12.2021.

5.These petitions are not maintainable, in view of the Order passed by a Division Bench of this Court in G.Prabhakaran vs. The Superintendent of Police, Thanjavur reported in (2018) 2 LW Cr1 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 petitioners to workout their remedy as per the directions issued by the Division Bench in the order referred supra.

WEB COPY

6. These Criminal Original Petitions are disposed of accordingly and the petitioners are directed to appear before the respondent police on 01.12.2021, without fail, along with the copy of this Order.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

ah/skr
To

1. The Deputy Commissioner of Police,
Thirumangalam Range,
Anna Nagar West Extension,
Chennai - 600 101.
2. The Assistant Commissioner of Police,
Thirumangalam Range,
Anna Nagar West Extension,
Chennai - 600 101.
3. The Inspector of Police,
V-7, Nulambur Police Station,
6th Street, Mugapair
Chennai - 600 037.
4. The Public Prosecutor
High Court, Madras

+1 CC to Mr.G. Naresh Kumar, Advocate sr 61408.

Cr1.O.P.No.21080 of 2021 &
Cr1.O.P.No.20038 of 2021

BP(CO)
SP(15/12/2021)