



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.250 of 2022

K.Akash Mehta

... Petitioner

Versus

1. The State

Represented by the Superintendent of Police,
Tiruvallur District,
Master Plan Complex, Near Collector Office,
Thiruvallur-602001.

2. The State,

Represented by the Inspector of Police,
E-5 Sholavaram Police Station,
Sholavaram,
Chennai-600 067.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register the complaint dated 01.10.2021 preferred by the petitioner against Mr.Kannabiran and others to the 2nd Respondent and investigate the same in accordance with law.

For Petitioner : Mr.M.Arvind Kumar

For Respondents: Mr.R.Vinothraja
Government Advocate (Crl.side)

ORDER

This petition has been filed to direct the respondents to register the complaint dated 01.10.2021 preferred by the petitioner against Mr.Kannabiran and others to the 2nd Respondent and investigate the same in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) on behalf of the respondents.

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 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 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

arr

To

- 1.The Superintendent of Police,
Tiruvallur District,
Master Plan Complex, Near Collector Office,
Thiruvallur-602001.
2. The Inspector of Police,
E-5 Sholavaram Police Station,
Sholavaram,
Chennai-600 067.
- 3.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.M.Arvind Kumar, Advocate, S.R.No.1481

CRL.O.P.No.250 of 2022

AJS(CO)
SB(28/01/2022)