



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.4126 OF 2022

R.Rajesh,
S/o.Robin Myne

... Petitioner

Vs.

The Inspector of Police,
P-6 Police Station,
Kodungaiyur,
Chennai - 600 118.

... Respondent

PRAYER:

This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to register the complaint and file an FIR on the basis of the complaint in CSR No.2240 of 2021 dated on 22.12.2021.

For Petitioner : Mr.B.Pratap

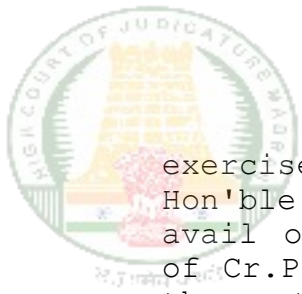
For Respondent : Mr.V.Meganathan
Government Advocate (criminal side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police to register the complaint and file an FIR on the basis of the complaint in CSR No.2240 of 2021 dated on 22.12.2021.

2. Heard both sides and perused the materials available on record.

3. This petition is not maintainable, in view of the Order passed by a Hon'ble 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 Hon'ble Division Bench in the order referred supra.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

shk/arb

To

1. The Inspector of Police,
P-6 Police Station,
Kodungaiyur,
Chennai - 600 118.
2. The Public Prosecutor,
High Court of Madras.

+2ccs to Mr.B.Pratap, Advocate, S.R.No.12209

Cr1.O.P.No.4126 of 2022

AD(CO)
PM/17/03/2022