



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

C O R A M

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

CRL.OP.NO.2870 OF 2022

E.Balamurugan
S/o.Erulandi

... Petitioner

.Vs.

1. The Commissioner of Police,
Chennai Metro City,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
K-2, Aynavaram Police Station,
Chennai - 600 023.

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to register the First Information Report on the petitioner's complaint dated 18.11.2021, pending on his file.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondents : Mr.V.Meghanathan
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 persons based on the complaint of the petitioner dated 18.11.2021, which was duly acknowledged on 25.01.2022 vide CSR No.49 of 2022.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing 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 III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Chennai Metro City,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
K-2, Aynavaram Police Station,
Chennai - 600 023.
3. The Public Prosecutor,
Madras High Court.

+1cc to Mr.T.V.G.Kartheeban, Advocate, S.R.No.9126

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CA(CO)
PBS/02/03/2022