



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.2812 of 2022

R.Sankaran

...Petitioner

-Vs-

State rep by;
The Inspector of Police,
R-3 Ashok Nagar Police Station,
(Law and order),
Chennai - 600 083.

..Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to direct the respondent to register the case based on his complaint dated 19.01.2022 which was received under CSR No.31 of 2022 dated 19.01.2022.

For Petitioner : Mr.R.Sundaravadivelu

For Respondent : Mr.V.Meghanathan
Government Advocate (Crl.Side)

O R D E R

This petition has been filed seeking direction to the respondent to register the case based on his complaint dated 19.01.2022 which was received under CSR No.31 of 2022 dated 19.01.2022.

2. Heard the learned Counsel for the petitioner and learned Government Advocate (Crl.Side) for 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 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 Division Bench in the order referred supra.

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4. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(Digit)

//True Copy//

Sub Assistant Registrar

jas/rst

To

1. The Inspector of Police,
R-3 Ashok Nagar Police Station,
(Law and order),
Chennai - 600 083.
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.2812 of 2022

NR(CO)
SU(18/02/2022)