



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2022

CORAM

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

CRL.OP.No.2817 of 2022

E.Riyaz Ahamed
S/o.Anwardin

...Petitioner

Vs.

State Rep. by

1.The Assistant Commissioner of Police,
Maduravayal Region, Chennai.

2.The Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu,
Chennai - 600 107

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent herein to register the FIR based on the petitioner's complaint dated 26.07.2021.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents: Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the second respondent herein to register the FIR based on the petitioner's complaint dated 26.07.2021.

2.The learned counsel for the petitioner would submit that the petitioner has sent a complaint dated 26.07.2021 to the first respondent and it was forwarded to the second respondent for enquiry. The second respondent on receiving the petitioner's complaint, issued a CSR No.477/2021, however, he has not registered a case.

3.In reply, the learned Additional Public Prosecutor appearing for the respondents would submit the petitioner's complaint was taken for enquiry in CSR No.477/2021 and the petitioner is directed to appear for enquiry on 06.09.2021.



Since the petitioner did not appear for the enquiry, the enquiry was closed.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5. 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 CrL 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.

6. This Criminal Original Petition stands dismissed, accordingly.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The Assistant Commissioner of Police,
Maduravayal Region,
Chennai.

2. The Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu, Chennai - 600 107

3. The Public Prosecutor,
Madras High Court.

+6cc to Mr. W. Camyles, Advocate, S.R.No.8599, 8745

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SPD(CO)
SB(24/02/2022)