



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.2910 of 2022

K.Sivakumar

...Petitioner

-Vs-

1. The Superintendent of Police,
Chengalpattu District at
Chengalpattu.
2. The Inspector of Police,
D.2. Chengalpattu Taluk Police Station,
Chengalpattu District.

...Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to direct the 2nd respondent to register a case and in relation to the complaint dated 03.12.2021 against which CSR.No.1334 of 2021 dated 03.12.2021 has been issued in relation to the criminal offence committed by the said person.

For Petitioners: Mr.E.Murugan

For Respondents: Mr.V.Meghanathan
Government Advocate

O R D E R

This petition has been filed seeking direction to the 2nd respondent to register FIR on the petitioner's complaint in CSR.No.1334 of 2021 dated 03.12.2021.

2.Heard the learned Counsel for the petitioners and learned Additional Public Prosecutor for 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 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.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vkr

To

1. The Superintendent of Police,
Chengalpattu District at
Chengalpattu.
2. The Inspector of Police,
D.2. Chengalpattu Taluk Police Station,
Chengalpattu District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.Murugan, Advocate, S.R.No.8256

Cr1.O.P.No.2910 of 2022

PL(CO)
RGA(18/02/2022)