



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM:

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

CRL.O.P.NO.3282 OF 2022

S.Sundararajan

...Petitioner

Vs.

The State rep. by its
The Inspector of Police,
S-13, Chrompet Police Station,
Chennai 600 044.

...Respondent

Prayer : This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to register the case against the accused persons on the basis of the complaint dated 24.01.2021 vide CSR No.35/2021 made by the petitioner and to investigate the same.

For Petitioner : Mr.K.B.Vivekanandhan

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

ORDER

This Criminal Original Petition has been filed to direct the respondent police to register the case against the accused persons on the basis of the complaint dated 24.01.2021 vide CSR No.35/2021 made by the petitioner and to investigate the same.

2. The learned Government Advocate (crl side) would submit that on the complaint given by the petitioner, petition enquiry was conducted and the same was closed.

3.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

4.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.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

vri/shk

To:

- 1.The Inspector of Police,
S-13, Chrompet Police Station,
Chennai 600 044.
- 2.The Public Prosecutor,
Madras High Court.

Cr1.O.P.No.3282 of 2022

GPL(CO)
RVM(01/03/2022)