



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2022

CORAM:

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

CRL.O.P.NO.2806 OF 2022

N.Srinivasan,
S/o.Nagarajan

... Petitioner/
Defacto Complainant

Vs.

1. The Commissioner of Police,
Veppery, Chennai.
2. The Assistant Commissioner of Police,
Teynampet Police Station, Chennai.
2. The Inspector of Police,
E-3 Teynampet Police Station, Chennai.

... Respondents/
Respondents

PRAYER:

Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents police to register the complaint dated 13.01.2022 in C.No.104 of 2022 and investigate the matter.

For Petitioner : Mr.E.Grirajan

For Respondents : Mr.V.Meghanathan
Government Advocate
(Criminal Side)

ORDER

This petition has been filed to direct the respondents police to register the complaint against the accused persons based on the complaint of the petitioner dated 13.01.2022, which was duly acknowledged on the same date vide C.No.104/COP/Visitors/2022.



2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. This petition is not maintainable, in view of the Order passed by a Hon'ble 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 Hon'ble Division Bench in the order referred supra.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

arb/nst

To

1. The Commissioner of Police,
Veppery, Chennai.
2. The Assistant Commissioner of Police,
Teynampet Police Station, Chennai.
2. The Inspector of Police,
E-3 Teynampet Police Station, Chennai.
4. The Public Prosecutor,
High Court of Madras.

CRL.O.P.No.2806 of 2022

KG(CO)
PM/07/03/2022