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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.3061 of 2022

J.Nagarajan

...Petitioner

-Vs-

1.The Commissioner of Police,
The District Office of the Commissioner of Police,
Vepery, Chennai District.

2.The Inspector of Police,
Selaiyur Police Station,
Chennai District.

..Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to direct the Second respondent police to register the case on the petitioner's complaint dated 22.11.2021 according to law.

For Petitioner : Mr.B.Devakumar

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

ORDER

This petition has been filed seeking direction to the respondent police to register the case on the petitioner's complaint dated 22.11.2021.

2. Heard the learned Counsel for the petitioner and learned Government Advocate (Crl.Side) 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.

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4.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jas/rst

To

1.The Commissioner of Police,
The District Office of the Commissioner of Police,
Vepery, Chennai District.

2.The Inspector of Police,
Selaiyur Police Station,
Chennai District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Devakumar, Advocate, S.R.No.9096

Cr1.O.P.No.3061 of 2022

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