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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4296 of 2022

R.Rajesh

... Petitioner

Vs

1.The Assistant Commissioner of Police,
T.Nagar,
Chennai.

2.The Inspector of Police (Crime)
R-4, Soundarapandiyanar Angadi Police Station,
Chennai 600 017.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to register the complaint and file an FIR on the basis of the complaint in CSR No.315/2021 dated 05.10.2021.

For Petitioner : Mr.B.Pratap

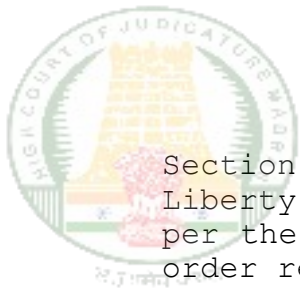
For Respondents : Mr.V.Meganathan
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the respondent police to register the complaint and file a FIR on the basis of the complaint in CSR No.315/2021 dated 05.10.2021.

2. Heard the learned Government Advocate (criminal side) and perused the materials available on record.

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 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's 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 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.

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4. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1.The Assistant Commissioner of Police,
T.Nagar,
Chennai.

2.The Inspector of Police (Crime)
R-4, Soundarapandiyanar Angadi Police Station,
Chennai 600 017.

3.The Public Prosecutor,
Madras High Court,
Madras.

+2ccs to Mr.B.Pratap, Advocate SR. No.12208

Cr1.O.P.No.4296 of 2022

RSV (CO)

PR (14/03/2022)