



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM

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

Crl.O.P.No.4106 of 2022

R.Mathiazhagan,
S/o.Ramachandran

... Petitioner/Defacto Complainant

Vs.

1. State Represented by
The Inspector of Police,
Thiruvannamiyur Police Station,
Chennai - 600 041.

... 1st Respondent/Complainant

2. D.Santhosh,
S/o.Dayalan

... 2nd Respondent/Accused

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to register the complaint dated 27.12.2021 in C.S.R No.828 of 2021, file F.I.R.

For Petitioner : Ms.N.Anu Radha

For Respondents: Mr.V.Meganathan for R1
Government Advocate (criminal side)

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent police to register the complaint dated 27.12.2021 in C.S.R No.828 of 2021, file F.I.R.

2. When the matter is taken up for hearing, Mr.V.Meganathan, learned Government Advocate (criminal side) for the first respondent would submit that on the complaint given by the petitioner dated 27.12.2021, enquiry was conducted in C.S.R.No.828 of 2021 by the first respondent and the same has been closed.

3. Heard both sides and perused the materials available on record.



4. 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.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

arb/shk

To

1. The Inspector of Police,
Thiruvannamiyur Police Station,
Chennai - 600 041.
2. The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.4106 of 2022

GPL(CO)
SU(17/03/2022)