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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.4334 of 2022

T.A.Balachandran

... Petitioner

Vs

1. The Commissioner of Police,
No.132, E.V.K.Sampath Road,
Vepery, Chennai 600 007.
2. The Deputy Commissioner of Police (North)
Beach Road,
Chennai 600 001.
3. The Assistant Commissioner of Police,
Flower Bazaar Range,
Flower Bazaar,
Chennai 600 001.
4. Inspector of Police,
C3, Seven Wells Police Station,
Chennai 600 001.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 4th respondent to register a case based on the petitioner's complaint dated 04.12.2020 against K.Sridhar, K.Konthandapani, K.Manivannan, M.Prabhuram and Kasthuri Thilagam and investigate and pass such or other orders.

For Petitioner : Mr.MA.Gouthaman

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 4th respondent to register a case based on the petitioner's complaint dated 04.12.2020 against K.Sridhar, K.Konthandapani, K.Manivannan, M.Prabhuram and Kasthuri Thilagam and investigate.



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

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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 Cr1 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.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1. The Commissioner of Police,
No.132, E.V.K.Sampath Road,
Vepery, Chennai 600 007.
2. The Deputy Commissioner of Police (North)
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4. Inspector of Police,
C3, Seven Wells Police Station,
Chennai 600 001.

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

+1cc to Mr.Ma.Gowthaman, Advocate, S.R.No.12669

Cr1.O.P.No.4334 of 2022

NRL(CO)
SU(16/03/2022)