



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4537 of 2022

A.Srinivasan

...Petitioner

Vs.

1.The Commissioner of Police,
Office of Commissioner of Police,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
J-3, Guindy Police Station,
Guindy, Chennai.

...Respondents

PRAYER: The Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the respondent police to conduct a proper enquiry on the complaint dated 02.02.2021 acknowledged in CSR No.123 of 2021 on the file of the 2nd respondent and register an FIR based on the complaint dated 02.02.2021 on the file of respondent police.

For Petitioner : Mr.G.Vijayakumar

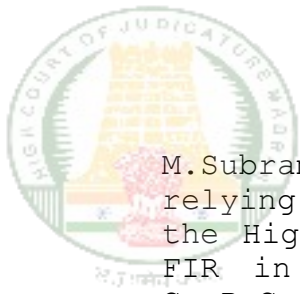
For Respondents : Mr.V.Meganathan,
Government Advocate (criminal side)

O R D E R

The Criminal Original Petition has been filed seeking for a direction to the respondent police to conduct a proper enquiry on the complaint dated 02.02.2021 acknowledged in CSR No.123 of 2021, on the file of the 2nd respondent and register a FIR based on the complaint dated 02.02.2021 on the file of respondent police.

2. Heard the learned counsel for the petitioner and 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 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'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 (CS-VII)

//True Copy//

Sub Assistant Registrar

shk/sai

To

- 1.The Commissioner of Police,
Office of Commissioner of Police,
Vepery, Chennai - 600 007.
- 2.The Inspector of Police,
J-3, Guindy Police Station,
Guindy, Chennai.
- 3.The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.4537 of 2022

PM (CO)
NSK (16/03/2022)