



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

CORAM

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

Crl.O.P.No.5062 of 2022

S.Thirumurugan,
S/o.Sivalingam

...Petitioner

Vs.

1. The Assistant Commissioner of Police,
Office of the Assistant Commissioner,
T-Nagar.

2. The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai - 600 024.

...Respondents

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to register the FIR based on the petitioner's complaint dated 26.11.2021 pending on the file of the second respondent.

For Petitioner : Mr.P.Muthamizhselvakumar

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

ORDER

This Criminal Original Petition has been filed, to direct the respondent to register the FIR based on the petitioner's complaint dated 26.11.2021 pending on the file of the second respondent.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (criminal side) for the respondents 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 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-VI)

//True Copy//

Sub Assistant Registrar

shk/arb

To

1. The Assistant Commissioner of Police,
Office of the Assistant Commissioner,
T-Nagar,
2. The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai 600 024.
3. The Public Prosecutor,
High Court of Madras.

Cr1.O.P.No.5062 of 2022

NK(CO)
RGA(18/03/2022)