



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.5736 of 2022

Dr.M.A.Nizar Ahammed

...Petitioner

Vs.

1. The Commissioner of Police,
O/o. The Commissioner of Police,
132, E.V.K. Sampath Road,
Vepery, Chennai - 07.

2. The State represented by
The Inspector of Police,
F-3, Nungambakkam Police Station,
Nungambakkam, Chennai 600 034.

...Respondents

PRAYER: The Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the second respondent to register the Petitioner complaint dated 31.10.2021 and vide CSR No.671 of 2021 and file a FIR within a time stipulated by this Court.

For Petitioner :Mr.G.Saibaba

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 second respondent to register the Petitioner complaint dated 31.10.2021 and vide CSR No.671 of 2021 and file a FIR within a time stipulated by this Court.

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,
O/o. The Commissioner of Police,
132, E.V.K. Sampath Road,
Vepery, Chennai - 07.
2. The Inspector of Police,
F-3, Nungambakkam Police Station,
Nungambakkam, Chennai 600 034.
3. The Public Prosecutor,
High Court of Madras.

+2cc to M/s.G.Saibaba, Advocate SR.No.16883

CrI.O.P.No.5736 of 2022

PMK(CO)
CB(24/03/2022)