



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.5135 of 2022

P.Selva Ganapathy,
S/o.N.Ponnusamy

... Petitioner

Vs.

1.The State of Tamil Nadu, represented by
The Inspector of Police,
J-13, Tharamani Police Station, Chennai - 600 113.

2.The Deputy Commissioner of Police,
Adyar Police District,
Dr.Muthulakshmi Road [L.B.Road], Adyar,
Chennai 600 020.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to register the FIR based on the complaint of the petitioner dated 27.12.2021 registered as C.S.R.No.511/2011 on the file of the first Respondent.

For Petitioner : Mr.G.Sugadev Rajaguru

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

ORDER

This Criminal Original Petition has been filed, to direct the respondents to register the FIR based on the complaint of the petitioner dated 27.12.2021.

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-CCC)

//True copy//

Sub Assistant Registrar

shk/arb

To

- 1.The Inspector of Police,
J-13, Tharamani Police Station, Chennai - 600 113.
- 2.The Deputy Commissioner of Police,
Adyar Police District,
Dr.Muthulakshmi Road [L.B.Road], Adyar,
Chennai 600 020.
- 3.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.5135 of 2022

BP(CO)
GMY(21/03/2022)