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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.9208 OF 2022

R.Rajkumar,
Secretary,
The Madras Flying Club Ltd.,
IOSA Auditor,
ISO 9001:2015 Lead Auditor,
Chennai Airport,
Chennai - 600 027,
Residing at
M14/20, Navabharath Colony,
2nd Street, Besant Nagar,
Chennai - 600 090.

... Petitioner

.Vs.

1. The Commissioner of Police,
Vepery, Chennai - 600 005.
2. The Joint Commissioner of Police (South),
St. Thomas Mount Range,
Chennai - 600 016.
3. The Deputy Commissioner of Police,
St.Thomas Mount Range,
Chennai - 600 016.
4. The Inspector of Police,
S2, Airport Police Station,
Chennai - 600 027.

... Respondents

PRAYER:-

The Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the respondent to take the appropriate Action under IPC against the accused as submitted in the Affidavit bearing the Complaint No.248/COP/PG/2017 & 498/ADDLCOP/S/HO/2017.



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For Petitioner : Mr.R.Rajkumar
Party-in-Person

For Respondents : Mr.A.Gokulakrishnan
Additional Government Pleader

O R D E R

The Criminal Original Petition has been filed seeking for a direction to the respondent to take the appropriate Action under IPC against the accused as submitted in the Affidavit bearing the Complaint No.248/COP/PG/2017 & 498/ADDLCOP/S/HO/2017.

2. Heard the party-in-person and the learned Additional Government Pleader 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 party-in-person to workout his remedy as per the directions issued by the Hon'ble Division Bench in the order referred supra by filing appropriate petition under Section 156(3) before the jurisdictional Court.

4. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1. The Commissioner of Police,
Vepery, Chennai - 600 005.



2. The Joint Commissioner of Police (South)
St.Thomas Mount Range,
Chennai - 600 016.

3. The Deputy Commissioner of Police,
St.Thomas Mount Range,
Chennai - 600 016.

4. The Inspector of Police,
S2, Airport Police Station,
Chennai - 600 027.

5. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Rajkumar, Party-in-Person, S.R.No.27610

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RLD(CO)
PBS/13/05/2022