



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8638 of 2022

Rajesh Bajaj

...Petitioner

Vs.

1.The State rep. by,
The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
E.V.K.Sampath Road,
Vepery, Chennai 600 007.

2.The State rep. by
The Inspector of Police,
G-1, Police Station,
Vepery,
Chennai 600 007.

...Respondents

PRAYER: The Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the second respondent to register the case in petitioner complaint dated 17.10.2021 and file a FIR.

For Petitioner : Mr.Aswin Prasanna.A.S
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed seeking for a direction to the second respondent to register the case on the petitioner's complaint dated 17.10.2021 and file the FIR.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

shk/sai
To

1.The Commissioner of Police,
Greater Chennai Police,
No.132, Commissionr Office Building,
E.V.K.Sampath Road,
Vepery, Chennai 600 007.

2.The Inspector of Police,
G-1, Police Station,
Vepery,
Chennai 600 007.

3.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.8638 of 2022

AJS (CO)
SP(02/05/2022)