



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.8634 of 2022

G.S.Ramesh

... Petitioner

Vs.

The State, represented by the Inspector of Police,
T15, SRMC Police Station,
Ayyappanthangal,
Chennai 600 125.

...Respondent

PRAYER: The Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the respondent police to register the complaint which had been received and registered as a CSR No.237 of 2021 dated 13.03.2021 for the offences punishable under Sections 404, 406, 409, 418, 420 and 423 of Indian Penal Code on the file of the respondent police, to investigate the crime alleged and file a final information report prosecuting the accused persons for the offences committed by them.

For Petitioner: Mr.M.L.Ramesh

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 respondent police to register the complaint which had been received and registered as CSR No.237 of 2021 dated 13.03.2021 for the offences punishable under Sections 404, 406, 409, 418, 420 and 423 of Indian Penal Code on the file of the respondent police, to investigate the crime and file the final report prosecuting the accused persons for the offences committed by them.



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.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

shk/sai
To

1.The Inspector of Police,
T15, SRMC Police Station,
Ayyappanthangal, Chennai 600 125.

2.The Public Prosecutor,
High Court of Madras.

+lcc to Mr.M.L.Ramesh, Advocate Sr.27258

CrI.O.P.No.8634 of 2022

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