

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9686 of 2022

Mukesh

... Petitioner

Vs.

The State Rep. by:
The Inspector of Police, (Law & Order)
N-1, Royapuram Police Station,
Royapuram,
Chennai 600 013.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent, the Inspector of Police, N 1, Royapuram Police Station, Chennai 600 013 to register the case pertaining to the petitioner's complaint vide CSR No.175 of 2022 dated 10.03.2022 in accordance with law.

For Petitioner : Mr.B.Vishwanathan

For Respondent : Mr.V.Meganathan,
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to direct the respondent, the Inspector of Police, N 1, Royapuram Police Station, Chennai 600 013 to register the case pertaining to the petitioner's complaint vide CSR No.175 of 2022 dated 10.03.2022 in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.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 Crl 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-III)

//True copy//

Sub Assistant Registrar

shk/sai

To

1.The Inspector of Police, (Law & Order)
N-1, Royapuram Police Station,
Royapuram,
Chennai 600 013.

2.The Public Prosecutor,
High Court of Madras.

+2ccs to Mr.B.Vishwanathan, Advocate SR.No.29332

Cr1.O.P.No.9686 of 2022

SR(CO)
GMY(06/05/2022)