



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9877 of 2022

M.Eersath Kasmi

... Petitioner

Vs.

1.The Commissioner of Police,
Office of City Police Commissioner,
Vepery, Chennai 600 009.

2.The Deputy Commissioner of Police,
Adayar, Chennai 600 020.

3.The Assistant Commissioner of Police,
Besant Nagar, Chennai 600 090.

4.The Inspector of Police,
J5, Sasthri Nagar Police Station,
Besant Nagar, Chennai 600 090.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the fourth respondent to register the case based upon the petitioner's complaint dated 11.03.2022, pending on the file of fourth respondent, and investigate the same in accordance with law.

For Petitioner : Mr.R.Ramesh

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

O R D E R

This Criminal Original Petition has been filed to direct the fourth respondent to register the case based upon the petitioner's complaint dated 11.03.2022, pending on the file of fourth respondent, and investigate the same 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 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 (CS-IX)

//True copy//

Sub Assistant Registrar

shk/sai

To

- 1.The Commissioner of Police,
Office of City Police Commissioner,
Vepery, Chennai 600 009.
- 2.The Deputy Commissioner of Police,
Adayar, Chennai 600 020.
- 3.The Assistant Commissioner of Police,
Besant Nagar, Chennai 600 090.
- 4.The Inspector of Police,
J5, Sasthri Nagar Police Station,
Besant Nagar, Chennai 600 090.
- 5.The Public Prosecutor,
High Court of Madras.

CrI.O.P.No.9877 of 2022

GPL (CO)
GMY (10/05/2022)