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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.9019 of 2022

Kumar

...Petitioner

Vs.

1.The Assistant Commissioner of Police,
Ashok Nagar,
Chennai.

2.The Inspector of Police,
K.K.Nagar Police Station,
K.K.Nagar,
Chennai.

...Respondents

PRAYER: The Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the second respondent police to register FIR on the basis of the complaint given by the petitioner dated 15.02.2022 and CSR No.138 of 2022 dated 03.03.2022 and investigate the matter in accordance with law.

For Petitioner : Mr.C.S.Saravanan

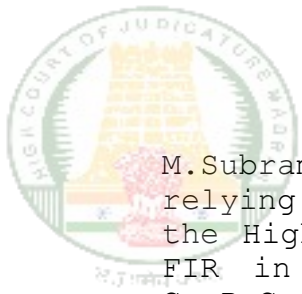
For Respondents : Mr.V.Meganathan,
Government Advocate (crl.side)

O R D E R

The Criminal Original Petition has been filed seeking for a direction to the second respondent police to register FIR on the basis of the complaint given by the petitioner dated 15.02.2022 and CSR No.138 of 2022 dated 03.03.2022 and investigate the matter 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 Assistant Commissioner of Police,
Ashok Nagar,
Chennai.
2. The Inspector of Police,
K.K.Nagar Police Station,
K.K.Nagar,
Chennai.
3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.C.S.Saravanan, Advocate SR. No. 27714

Cr1.O.P.No.9019 of 2022

AKII (CO)
PR (05/05/2022)