



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.9565 OF 2022

T.Jayakandhan

... Petitioner

Vs.

1. The Commissioner of Police,
Avadi, Chennai 600 054.
2. The Assistant Commissioner of Police,
Poonamallee,
Chennai 600 056.
3. State: Rep. by
The Inspector of Police (Crime)
T-12, Poonamallee Police Station,
Chennai 600 056.

... Respondents 1 to 3

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 3rd Respondent to register the complaint given by the Petitioner on 29.03.2022.

For Petitioner : Mr.D.Meenakshi Sundaram

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

O R D E R

This Criminal Original Petition has been filed to direct the 3rd Respondent to register the complaint given by the Petitioner on 29.03.2022.

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(CO)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1. The Commissioner of Police,
Avadi, Chennai 600 054.
2. The Assistant Commissioner of Police,
Poonamallee,
Chennai 600 056.
3. The Inspector of Police (Crime)
T-12, Poonamallee Police Station,
Chennai 600 056.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.D.Meenakshi Sundaram, Petitioner, Advocate,
S.R.No.28783

CrI.O.P.No.9565 of 2022

NR(CO)
RLP(16/05/2022)