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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.10479 OF 2022

Devendra Kumar Bhandari

... Petitioner

.Vs.

The State through
The Inspector of Police,
F3, Nungambakkam Police Station,
Nungambakkam,
Chennai - 600 034.

... Respondent

PRAYER:-

This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register an FIR on the complaint of the petitioner dated 02.04.2022 and ensure that the investigation is being done in a fair and proper manner within a reasonable time frame fixed by this Court.

For Petitioner : Mr.M.Ramamoorthi

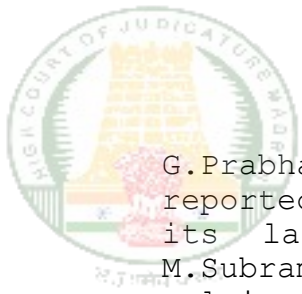
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for a direction the respondent to register an FIR on the complaint of the petitioner dated 02.04.2022 and ensure that the investigation is being done in a fair and proper manner within a reasonable time frame fixed by this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent 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 dismissed accordingly.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

shk/rgi

To

1. The Inspector of Police,
F3, Nungambakkam police Station,
Nungambakkam,
Chennai - 600 034.
2. The Public Prosecutor,
High Court of Madras.

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SR-II(CO)
PBS/14/06/2022