



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.11697 OF 2022

V.Kalyanasundaram

... Petitioner

Vs.

State represented by
The Inspector of Police,
Central Crime Branch,
Anti-Land Grabbing Cell,
Tambaram Commissionerate,
No.42/1, Medavakkam Main Road,
Sholinganallur, Chennai - 600 119.

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to register a FIR on the basis of the petitioners' complaint dated 02.02.2022 pending on the file of the respondent police.

For Petitioner : Mr.R.Narayanan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent police to register a FIR on the basis of the petitioners' complaint dated 02.02.2022 pending on the file of the respondent police.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondent.



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-VI)

//True Copy//

Sub Assistant Registrar

rgi/shk

To

1. The Inspector of Police,
Central Crime Branch,
Anti-Land Grabbing Cell,
Tambaram Commissionerate,
No.42/1, Medavakkam Main Road,
Sholinganallur, Chennai - 600 119.

2. The Public Prosecutor,
Madras High Court,
Chennai.

CrI.O.P.No.11697 of 2022

NRL(CO)
RLP(17/06/2022)