



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.10481 OF 2022

Dr.R.Vijayakumar

...Petitioner

Vs.

The State of Tamil Nadu,
Represented by the Inspector of Police,
R-5 Virugambakkam Police Station,
Abbusali Street, Saligramam,
Chennai 600 093.

...Respondent

PRAYER : This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent police to register a FIR and commence the investigation in Crime No.167 of 2022 dated 19.04.2022 pending before the respondent police.

For Petitioner : Mr.B.Vasanthan

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 police to register a FIR and commence the investigation in Crime No.167 of 2022 dated 19.04.2022 pending before the respondent police.

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(CO)

// True Copy //

Sub Assistant Registrar

shk/rgi

To

1.The Inspector of Police,
R-5 Virugambakkam Police Station,
Abbusali Street, Saligramam,
Chennai 600 093.

2.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.Vasanthan, Advocate Sr.No.32330

Crl.O.P.No.10481 of 2022

RLD(CO)
RVM(15/06/2022)