



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cr1.O.P.No.11741 of 2022

Bharath Govindaraj

... Petitioner

Vs.

1. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Old Municipality Building,
1st Floor, Avadi,
Chennai - 600 054.

2. The Assistant Commissioner of Police,
SRMC Police Station,
72, Pillayar Koil St, Moovendhar Nagar,
Lakshmi Nagar, Porur,
Chennai - 600 125.

3. The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu,
Chennai - 600 122.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to take up the complaint sent on 16.05.2022 intimating about the complaint dated 15.02.2022 and subsequently direct the 3rd respondent to register the FIR based on the complaint sent by the petitioner to the respondents against one Bhavani.

For Petitioner : Mr.G.Mohana Krishnan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondents to take up the complaint sent on 16.05.2022 intimating about the complaint dated 15.02.2022 and subsequently direct the 3rd respondent to register the FIR based on the



complaint sent by the petitioner to the respondents against one Bhavani.

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

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor appearing for the respondent submit that based on the complaint given by the petitioner, enquiry is pending in CSR No.289 of 2022.

4. 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 Cr1 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.

5. Accordingly, this Criminal Original Petition is dismissed and a direction is issued to the respondent police to conduct enquiry legally if prima facie case is made out.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rgi/shk

To

1. The Deputy Commissioner of Police,
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3. The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu,
Chennai - 600 122.

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

+lcc to Mr.G.Mohan Krishnan, Advocate, S.R.No.32438

Crl.O.P.No.11741 of 2022

MT (CO)
UMA (17/06/2022)