



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.11798 OF 2022

K.S.Sudhakaran

... Petitioner

Vs.

1. The Assistant Commissioner of Police,
Office of Asst. Commissioner of Police,
Ambattur Zone, Ambattur,
Chennai District.

2. The Inspector of Police,
Tank Factory Police Station,
Ambattur Taluk,
Chennai District.
Crime No. Not Known of 2022

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to register the FIR based on the complaint lodged by the petitioner dated 21.04.2022 and direct to file its report within the time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.S.P.Arthi

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the 2nd respondent to register the FIR based on the complaint lodged by the petitioner dated 21.04.2022 and direct to file its report within the time frame to be fixed by this Hon'ble Court.

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



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 Assistant Commissioner of Police,
Office of Asst. Commissioner of Police,
Ambattur Zone, Ambattur,
Chennai District.
2. The Inspector of Police,
Tank Factory Police Station,
Ambattur Taluk,
Chennai District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to M/s.S.P.Arthi, Advocate, S.R.No.32853

CrI.O.P.No.11798 of 2022

NRL(CO)

RLP(17/06/2022)