



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.03.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. No.25296 of 2021

C.Duraikannu

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
Kilpauk Police Station,
Poonamallee High Road,
Chennai - 600 010.

2.The Inspector of Police,
Kilpauk Police Station,
Poonamallee High Road,
Chennai - 600 010.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the 2nd respondent to register a case on the complaint dated 22.11.2021 given by the petitioner to the 2nd respondent herein on 03.12.2021.

For Petitioner : Mr.V.Kadhirvelu

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to the 2nd respondent to register a case on the complaint, dated 22.11.2021, given by the petitioner to the 2nd respondent herein on 03.12.2021.

2.Heard the learned counsel 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 Crl 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 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 of 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 disposed of accordingly.

WEB COPY

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mkn
To

1.The Assistant Commissioner of Police,
Kilpauk Police Station,
Poonamallee High Road,
Chennai - 600 010.

2.The Inspector of Police,
Kilpauk Police Station,
Poonamallee High Road,
Chennai - 600 010.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.V.Kadhirvelu, Advocate Sr.NO. 14824

Crl.O.P. No.25296 of 2021

GPL(CO)
A.SK(17/03/2022)