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CrI.O.P.No.26257 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.26257 of 2022

S.MOHAMED JINNA

... Petitioner

Vs.

1 THE STATE REP BY
THE ASSISTANT COMMISSIONER OF POLICE
F-2 POLICE STATION
EGMORE HIGH ROAD
EGMORE, CHENNAI 600008

2 INSPECTOR OF POLICE
F-2 POLICE STATION
EGMORE HIGH ROAD
CHENNAI 600008.

... Respondents

This Criminal Original Petition is filed under Section 482 Cr.P.C. to direct the 2nd respondent to Register the FIR based on the petitioner's complaint dated 23.08.2019.

For Petitioner : Mr.Kavitha Deenadayalan

For Respondents : Mr.A.Damodaran



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Additional Public Prosecutor

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ORDER

This petition has been filed to direct the 2nd respondent Police to register a case based on the petitioner's complaint dated 23.08.2019 pending on the file of the 2nd respondent Police.

2. Heard the learned counsel 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 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*** 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



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petitioner to workout his remedy as per the directions issued by the Division Bench in the order referred supra.

4. This Criminal Original Petition is disposed of accordingly.

04.07.2023

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order

To

- 1 THE STATE REP BY
THE ASSISTANT COMMISSIONER OF POLICE
F-2 POLICE STATION
EGMORE HIGH ROAD
EGMORE, CHENNAI 600008
- 2 INSPECTOR OF POLICE
F-2 POLICE STATION
EGMORE HIGH ROAD
CHENNAI 600008.
3. The Public Prosecutor,
Madras High Court,
Chennai.

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N.ANAND VENKATESH,J.

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