

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1369 of 2021

Vimal Hari

.. Petitioner

Vs.

1. The Deputy Commissioner of Police
Cyber Crime Wing,
Greater Chennai Police,
Egmore, Chennai-600 007.

2. The Inspector of Police,
JJ Nagar,
Greater Chennai Police,
Chennai.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent to register the FIR based on the petitioner's complaint dated 22.09.2020 vide CSR No.346 of 2020.

For Petitioner : Mr.P.Sanjai Gandhi

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents Police to register a case based on the petitioner's complaint dated 22.09.2020, pending on the file of the second 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 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.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Deputy Commissioner of Police
Cyber Crime Wing,
Greater Chennai Police,
Egmore, Chennai-600 007.

2.The Inspector of Police,
JJ Nagar,
Greater Chennai Police,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Sanjai Gandhi, Advocate SR.5294

Cr1.O.P.No.1369 of 2021

NRL (CO)
CB (04/03/2021)

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