

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.4389 of 2021

Mr.K.Rathinavel

.. Petitioner

Vs.

State Represented by
The Inspector of Police,
Economic Offence Wing II Headquarters,
Guindy,
Chennai - 600 032.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent viz., the Inspector of Police, Economic Offence Wing II Headquarters, Guindy, Chennai - 600 032, to register the FIR based on the complaint dated 16.03.2020 filed by the petitioner.

For Petitioner : Mr.K.Venkatesan

For Respondent : Mr.C.Raghavan
Government Advocate

ORDER

This petition has been filed to direct the respondent viz., the Inspector of Police, Economic Offence Wing II Headquarters, Guindy, Chennai - 600 032, to register the FIR based on the complaint dated 16.03.2020 filed by the petitioner.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondent.

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 her remedy as per the directions issued by the Division Bench in the order referred supra.

This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

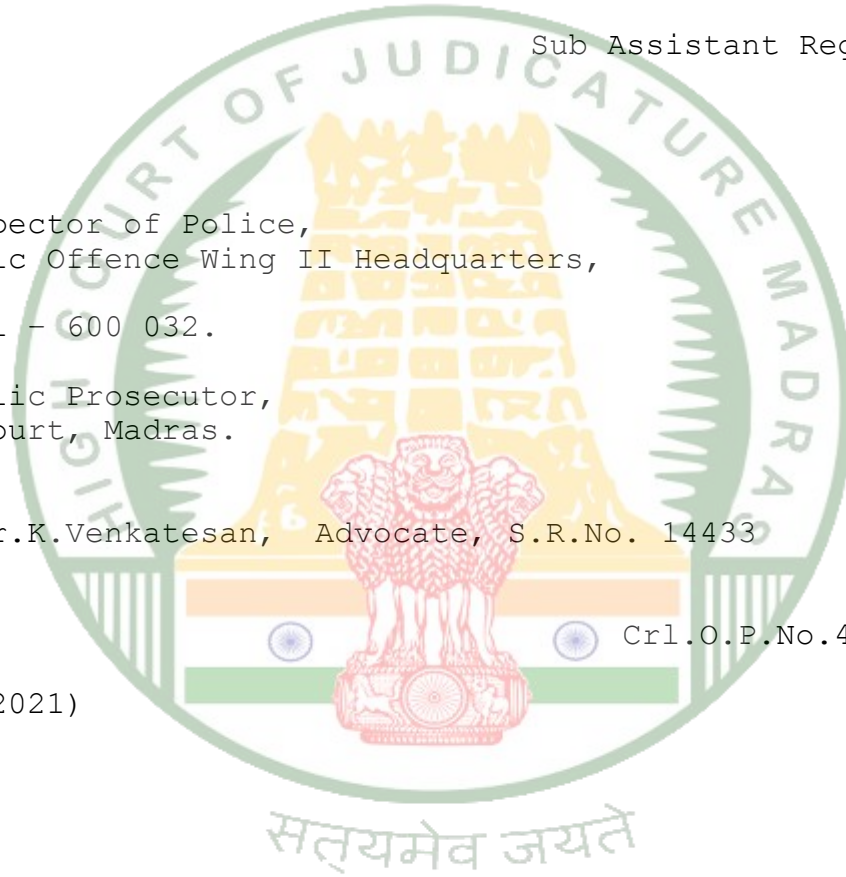
1.The Inspector of Police,
Economic Offence Wing II Headquarters,
Guindy,
Chennai - 600 032.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Venkatesan, Advocate, S.R.No. 14433

Pl (CO)
GN(18/03/2021)

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