

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2250 of 2021

Mr.Mohammed Basherruddin Hussain

..Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
2. Mr.Prakash Chand Jain
3. Mrs.Sharmila Jain
4. Mr.R.Venkatesh
5. State Bank of India (RACPC)
Rep. by its Senior Manager,
No.82, MRC Nagar, Dr TGS Dinakaran Salai,
Chennai - 600 028.
6. The Branch Manager,
State Bank of India,
Alwarpet, Chennai - 600 018.
7. The Sub-Registrar,
Selaipur,
Chennai - 600 073.

..Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to initiate action on the complaint filed by the petitioner dated 27.07.2020 against the respondents 2 to 7 and register criminal case in accordance with the law and punish the accused persons for the offences by them.

For Petitioner : Mr.V.Chandrakanthan

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

O R D E R

This petition has been filed to direct the 1st respondent to initiate action on the complaint filed by the petitioner dated 27.07.2020 against the respondents 2 to 7 and register criminal case in accordance with the law and punish the accused persons for the offences by them.

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

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 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 Division Bench in the order referred supra.

This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
2. The Sub-Registrar,
Selaiyur,
Chennai - 600 073.

3. The Public Prosecutor,
High Court, Madras.

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SSD(CO)
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