

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5157 of 2021

E.Subbaiah

.. Petitioner

Vs.

1. The Commissioner of Police,
(Cyber Crime Wing)
Greater Chennai,
Chennai-7.

2. The State Rep. by
The Inspector of Police,
S-15, Selaiyur Police Station,
Chennai-600 073

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents so as to register the petitioner's complaint dated 19.11.2020 vide CSR No.992 of 2020 and to take further action.

For Petitioner : Mr.S.Parisutham

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 19.11.2020 vide CSR No.992 of 2020, pending on the file of the first 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 Cr1 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

True Copy//

Sub Assistant Registrar

RLI

To

1. The Commissioner of Police,
(Cyber Crime Wing)
Greater Chennai,
Chennai-7.
2. The Inspector of Police,
S-15, Selaiyur Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Parisutham, Advocate, S.R.No.16519

Cr1.O.P.No.5157 of 2021

GSM

TE (17/04/2021)

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