

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.7874 of 2021

K.V.Rajesh

... Petitioner

Versus

1.The Inspector of Police (Crime),
R-7, Police Station,
No.85, P.T.Rajan Road,
K.K.Nagar,
Chennai-600 083.

2.The Assistant Commissioner of Police,
Ashok Nagar Police Station,
Ashok Nagar,
Chennai.

3.The Commissioner of Police,
Vepery,
Chennai-600 007.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to register a complaint under relevant provisions of Indian Penal Code of Information Technology Act pursuant to CSR.No.477 of 2020 dated 11.11.2020 pending on its file.

For Petitioner : Mr.T.T.Ravichandran

For Respondents: Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed to direct the first respondent Police to register a case based on the petitioner complaint 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 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.

4.This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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No.85, P.T.Rajan Road,
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2.The Assistant Commissioner of Police,
Ashok Nagar Police Station,
Ashok Nagar,
Chennai.

3.The Commissioner of Police,
Vepery,
Chennai-600 007.

4.The Public Prosecutor,
High Court, Madras.

RLD(CO)
A.SK(08.07.2021)

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