

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.8025 of 2021

P.Narayanan

...Petitioner

Versus

1. The Deputy Commissioner of Police,
Cyber Cell,
Officer of the Commissioner of Police,
Vepery,
Chennai-600 007.
2. The Deputy Superintendent of Police,
Ambattur circle,
Ambattur,
Avadi,
Chennai 600054.
3. The Inspector of Police,
Cyber Cell,
Officer of the Commissioner of Police,
Vepery,
Chennai-600 007.
4. The Inspector of Police,
D6 Avadi Police Station,
Avadi,
Chennai 600054.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, directing the first respondent to register the case against the accused in the complaint dated given by the petitioner on 03.10.2020 and the complaint given to the superior on 13.10.2020 and to investigate into the matter in accordance with law and to file a final report before the competent court of law.

For Petitioner :	Mr.S.M.Nandhie Devhan
For Respondents:	Mr.M.Mohammed Riyaz, Additional Public Prosecutor

ORDER

This petition has been filed to direct the first respondent to register the case against the accused on the complaint given by the petitioner on 03.10.2020 and the complaint given to the superior on 13.10.2020 and to investigate the matter in accordance with law and to file a final report before the competent Court.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor 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 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Deputy Commissioner of Police,
Cyber Cell,
Officer of the Commissioner of Police,
Vepery,
Chennai-600 007.

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2.The Deputy Superintendent of Police,
Ambattur circle,
Ambattur,
Avadi,
Chennai 600054.

3.The Inspector of Police,
Cyber Cell,
Officer of the Commissioner of Police,
Vepery,
Chennai-600 007.

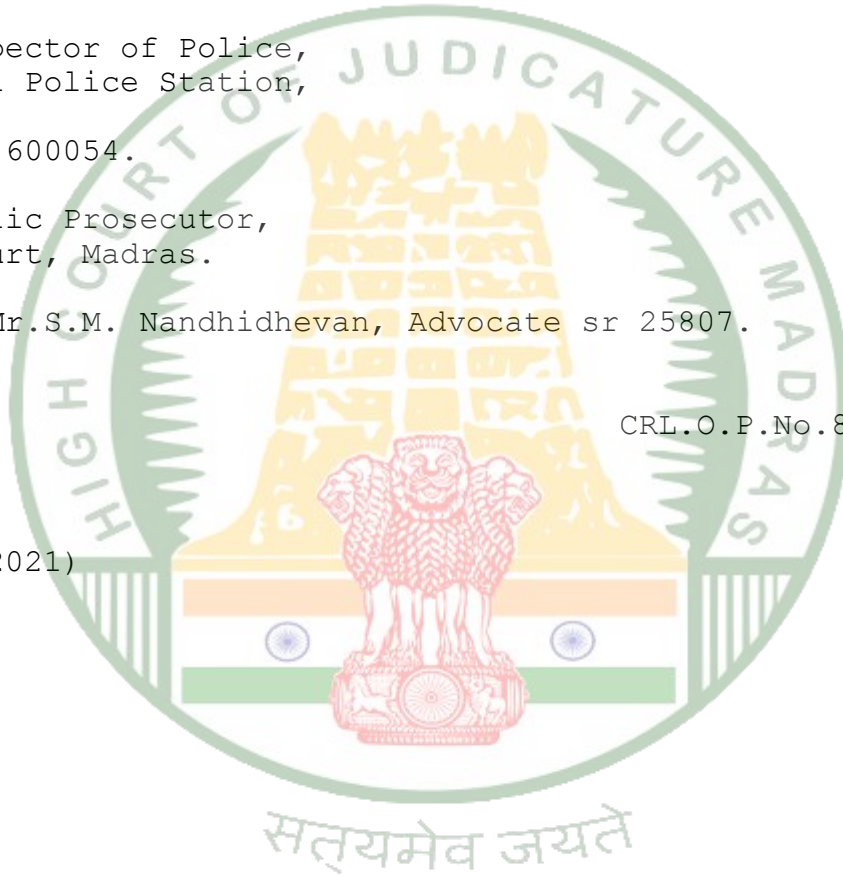
4.The Inspector of Police,
D6 Avadi Police Station,
Avadi,
Chennai 600054.

5.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.S.M. Nandhidhevan, Advocate sr 25807.

CRL.O.P.No.8025 of 2021

VBM(CO)
SP(25/05/2021)



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