

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.OP.No.8096 of 2021

N.S.Nagarajan

... Petitioner

Versus

1.The Inspector of Police,
S-15, Selaiyur Police Station,
Selaiyur,
Chennai-600 073.

2.The Sub-Inspector of Police,
Cyber Crime Team-Mount,
Office of Mount Deputy Commissioner of Police,
Chennai-600 016.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent Police to register a case on petitioner's complaint dated 02.01.2021 on the file of the second respondent Police.

For Petitioner : Mr.R.Sampath Kumar

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

ORDER

This petition has been filed to direct the second respondent Police to register a case on the petitioner's complaint dated 02.01.2021 on the file of the second 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 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 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(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector of Police,
S-15, Selaiyur Police Station,
Selaiyur,
Chennai-600 073.
- 2.The Sub-Inspector of Police,
Cyber Crime Team-Mount,
Office of Mount Deputy Commissioner of Police,
Chennai-600 016.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.

+2cc to Mr.R.Sampath Kumar, Advocate sr.26855

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