

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.17468 of 2020

Texon (India) Private Limited,
Rep. by its director,
Mr. A.Venkatesan,
S.No. 376, Thirumudivakkam Main Road,
Behind Amarprakash Heritage Apartments,
Thirumudivakkam, Chennai,
TN 600044.

...Petitioner

.Vs.

1.The Inspector of Police,
Poonamallee Police Station
Poonamallee.

2.D.Senguttuvan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent police to register the complaint of the petitioner dated February 7, 2020 and to take necessary action and investigate into the matter in accordance with law.

For Petitioner : Ms. AMI V.Kataria
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the 1st respondent Police to register an FIR based on the petitioner's complaint dated 07.02.2020, pending on the file of the 1st 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 their remedy as per the directions issued by the Division Bench in the order referred supra.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Asst. Registrar

//True Copy//

Sub Asst. Registrar

rm

To

1.The Inspector of Police,
Poonamallee Police Station
Poonamallee.

2.The Public Prosecutor,
High Court, Madras.

+1 C.C.to M/s.AMI V.Kataria ADVOCATE, SR.NO.404

CRL.O.P.No.17468 of 2020

VC (22/01/2021)

सत्यमेव जयते

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