



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.17167 of 2021

E.Sugumar.

... Petitioner

Versus

1. State of Tamil Nadu:

Represented by its,
The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai.

2. State of Tamil Nadu:

Represented by its,
Inspector of Police, (Cyber Crime),
T - 4, Maduravoyal Police Station,
Poonamallee High Rd, Maduravoyal,
Chennai, Tamil Nadu 600095.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register a case based on the petitioner's complaint dated 05.08.2021 on the file of the 1st respondent.

For Petitioner : Mr.R.Krishna Kumar.

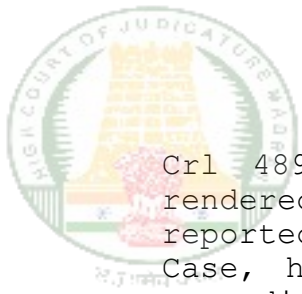
For Respondents: Mr.R.Vinoth Raja,
Government Advocate (crl.side)

ORDER

This petition has been filed to direct the respondent Police to register a case based on the petitioner's complaint dated 05.08.2021 pending on the file of the 2nd respondent Police.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) 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(CS VI)

//True Copy//

Sub Assistant Registrar

mpl
To

1. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai.
2. The Inspector of Police, (Cyber Crime),
T - 4, Maduravoyal Police Station,
Poonamallee High Rd, Maduravoyal,
Chennai, Tamil Nadu 600095.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Thalapathy, Advocate Sr.48841

CRL.O.P.No.17167 of 2021

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srg 20/10/2021