



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17079 of 2021

A.H.Abdul Shafi.

...Petitioner

Versus

1. The Commissioner of Police
Greater Chennai
132 Commissioner office building
EVK Sampath Road,
Vepery,
Chennai 600 007.

2. The Assistant Commissioner of Police
Entrusted Document Fraud (EDF)
Tem IV, CCB
Greater Chennai
132 Commissioner office building
EVK Sampath Road,
Vepery, Chennai 600 007.

3. The Inspector of Police (crime)
R-9 Police Station,
Chowdry Nagar Main Road,
Chowdry Nagar,
Valasaravakkam,
Chennai - 600 089.

...Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 Cr.P.C. to withdraw the investigation in the complaint dated 19.06.2021 from the file of the 3rd respondent and transfer the same to the 2nd respondent.

For Petitioner : Mr. Shaikh Mehrunnisa kasim

For Respondents : Mr.A.Damodharan,
Additional Public Prosecutor



ORDER

This Criminal Original Petition has been filed to transfer the investigation from the 3rd respondent to the 2nd respondent.

WEB COPY

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

3. Even though this petition is filed for transfer of investigation, as on date First Information Report has not been registered.

4. 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.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Commissioner of Police
Greater Chennai
132 Commissioner office building
EVK Sampath Road,
Vepery,
Chennai 600 007.



2. The Assistant Commissioner of Police
Entrusted Document Fraud (EDF)
Tem IV, CCB

Greater Chennai
132 Commissioner office building
EVK Sampath Road,
Vepery,
Chennai 600 007.

3. The Inspector of Police (crime)
R-9 Police Station,
Chowdry Nagar Main Road,
Chowdry Nagar,
Valasaravakkam,
Chennai - 600 089.

4. The Public Prosecutor,
High Court,
Madras.

CRL.O.P.No.17079 of 2021

PL(CO)
RGA(04/10/2021)