

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.18848 of 2020

Heart Care India Co.,
rep.by its Prop.S.Manimozhi

...Petitioner

.Vs.

The Deputy Commissioner of Police
[Cyber Crime Branch],
Mylapore Police Station,
Chennai 600004.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register a case against my complaint dated 12.11.2020 and to investigate the case in accordance with law.

For Petitioner : Mr.R.Lokeshwaran
For Respondent : Mr.M.Mohamed Riyaz
(Crl.Side)
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent to register the FIR, based on the petitioner's complaint dated 12.11.2020.

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 Crl 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

KP
To

1.The Deputy Commissioner of Police
[Cyber Crime Branch],
Mylapore Police Station,
Chennai 600004.

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.18848 of 2020

SSI (CO)
SP(25/01/2021)



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