

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.19603 of 2020

1 M/s.Equitas Small Finance Bank Private Limited,
Rep. By its cluster Manager,
Mr.K.Karthikeyan
Having Branch Office at No.56,
2nd Avenue, Ashok Nagar,
Chennai 600 083 ...PETITIONER

Vs

1. The Assistant Commissioner of Police,
Bank Fraud Prevention Wing,
Central Crime Branch, Chennai 600007.
2. The Inspector of Police,
Central Crime Branch, Chennai 600 007. ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent Police to register the F.I.R and investigate the case on the basis of the complaint dated 28.02.2020.

For Petitioner : Mr.A.Damodharan

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

ORDER

This petition has been filed to direct the 2nd respondent Police to register a case based on the petitioner's complaint dated 28.02.2020, pending on the file of the 2nd respondent Police.

2. Heard the learned counsel for the petitioner and the learned Government 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

//True Copy//

Sub Assistant Registrar

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To

- 1.The Assistant Commissioner of Police,
Bank Fraud Prevention Wing,
Central Crime Branch, Chennai 600007.
- 2.The Inspector of Police,
Central Crime Branch, Chennai 600 007
- 3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.A.Damodaran, Advocate SR.1258

CrI.O.P No.19603 of 2020

EV(CO)
CB(04/02/2021)

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