

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P. No.21107 of 2020

M/s.HDB Financial Services Limited,  
Rep by its Authorized Signatory  
Mr.N.Shanmugasundaram (M/27)  
No.68/2, Loyal Towers 4<sup>th</sup> Floor,  
Greens Road,  
Chennai - 600 006.

.. Petitioner

.vs.

The State Represented by  
Inspector of Police,  
M-4, Red Hills Police Station,  
Red Hills, Chennai - 600 052.

..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the case on the complaint dated 21.09.2020 pending on the file of the Inspector of Police M-4, Red Hills Police Station, Redhills, Chennai - 600 052.

For Petitioner : Mr.S.K.Mariappan

For Respondent : Mr.M.Mohamed Riyaz, (Cr1.Side)  
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent to register the case on the complaint dated 21.09.2020 pending on the file of the Inspector of Police M-4, Red Hills Police Station, Redhills, Chennai - 600 052.

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

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 Cr1 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.

This Criminal Original Petition is disposed of accordingly.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssr  
To

1. The Inspector of Police,  
M-4, Red Hills Police Station,  
Red Hills, Chennai - 600 052.
2. The Public Prosecutor,  
High Court of Madras,  
Madras.

CrI.O.P. No.21107 of 2020

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

सत्यमेव जयते

WEB COPY