

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.20203 of 2020

S.Anand

...Petitioner

.Vs.

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
CCTNS Branch (Crime and Criminal
Tracking Network & Systems)
Vepery, Chennai 600 007.
- 2.The Inspector of Police,
Cyber Crime, T 6, Avadi Police Station,
Avadi, Chennai 600 054.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register a case on the complaint of the petitioner dated 04.09.2020 before the 2nd respondent and also another online complaint before the 1st respondent on 28.09.2020 under relevant section of the Indian Penal Code, and conduct enquiry to find out the person who misused the petitioner credit card No.4363891510208510 for purchasing the things in Amazon Seller Service at Mumbai through online.

For Petitioner : Ms.R.Meenakshi
For Respondents : Mr.M.Mohamed Riyaz
(Crl.Side)
Additional Public Prosecutor

W E B C O P Y
O R D E R

This Criminal Original Petition has been filed to direct the respondents to register a case on the complaint of the petitioner dated 04.09.2020, before the 2nd respondent and also another online complaint before the 1st respondent on 28.09.2020

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 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

KP
To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
CCTNS Branch (Crime and Criminal
Tracking Network & Systems)
Vepery, Chennai 600 007.
- 2.The Inspector of Police,
Cyber Crime, T 6, Avadi Police Station,
Avadi, Chennai 600 054.
- 3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mrs.R. Meenakshi, Advocate sr 793.

CRL.O.P.No.20203 of 2020

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