

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2021

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.20783 of 2020

K.Rajan .. Petitioner
M/s.Industrial Fans (India) Pvt. Ltd.,
Rep. by its Managing Director of Mr.C.Arunagiri

Vs.

- 1.The Commissioner of Police, .. Respondents
Commissioner Office,
Vepery, Chennai - 600 007.
- 2.The Inspector of Police,
R-1, Crime, Mambalam Police Station,
Chennai - 600 017.

Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to register FIR based on the petitioner's complaint dated 13.03.2020 which is pending on the file of the 2nd respondent police in accordance with law.

For Petitioner : Mr.J.Nandagopal

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

ORDER

This petition has been filed to direct the 2nd respondent to register FIR based on the petitioner's complaint dated 13.03.2020 which is pending on the file of the 2nd respondent police in accordance with law.

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 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.

This Criminal Original Petition is disposed of accordingly.

-Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

ssr

To

- 1.The Commissioner of Police,
Commissioner Office,
Vepery, Chennai - 600 007.
- 2.The Inspector of Police,
R-1, Crime, Mambalam Police Station,
Chennai - 600 017.
- 3.The Public Prosecutor,
High Court, Madras.

+1 C.C. to MR.J.NANDAGOPAL Advocate SR.NO.294

CrI.O.P.No.20783 of 2020

RSV(CO)

UMY (12.02.2021)