



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.OP.No.19976 of 2021

M/s. Spalon India Pvt. Ltd.,
Rep. by its, Human Resources Manager (HRM0,
J.D.Srinivasa Rao,
Saba House II Floor,
Old No.209/A, New No.130/A,
St.Marys Road,
Alwarpet, Chennai - 600 018.

... Petitioner

Versus

1. The Commissioner of Police,
Greater Chennai,
Vepery Chennai.
2. The Deputy Commissioner of Police,
Mylapore Range,
Mylapore, Chennai.
3. The Inspector of Police,
Abhiramapuram Police Station,
Abhiramapuram, Chennai.

... Respondents

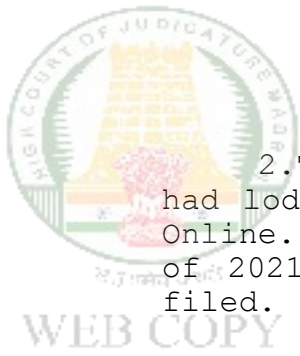
PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Respondent Police to Register the FIR based on the online Complaint (Ref. No. HRS21085148) filed by the Petitioner on 01.07.2021.

For Petitioner : Mr.V.Logeshwaren

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition is filed to direct the Respondent Police to Register the FIR based on the online Complaint (Ref. No. HRS21085148) filed by the Petitioner on 01.07.2021.



2.The contention of the petitioner is that the petitioner had lodged a complaint against one Arul Kumar on 23.12.2020, by Online. Though the respondent police had issued C.S.R.No. 436 of 2021, no FIR has been filed. Hence the above petition is filed.

3.The learned Government Advocate [Crl. Side] submits that the petitioner had lodged a complaint only through online, despite the same C.S.R.No. 436 of 2021 assigned and the whereabouts of the accused person named in the complaint is being traced out. The Phone number provided in the complaint is also incorrect. Steps have been taken. If the petitioner appeared in person before the respondent police with a copy of the complaint and other particulars with regard to the whereabouts of the said Arul Kumar and the respondent police will take appropriate action in that regard.

4.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.

5.This Criminal Original Petition is disposed of accordingly and the petitioner is directed to appear before the respondent police on 10.11.2021, along with the copy of the complaint and other particulars with regard to the whereabouts of the said Arul Kumar.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

ah/skr



To

1. The Commissioner of Police,
Greater Chennai,
Vepery Chennai.
2. The Deputy Commissioner of Police,
Mylapore Range,
Mylapore,
Chennai.
3. The Inspector of Police,
Abhiramapuram Police Station,
Abhiramapuram,
Chennai.
4. The Public Prosecutor,
High Court,
Madras.

Cr1.OP.No.19976 of 2021

RR(CO)
SU(22/11/2021)