

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P.No.25873 of 2021

M/s.Barath Building Constructions
India Pvt.Ltd.,
Rep.by its Managing Director,
Vummidu Ananth,
20, Mylai Ranganathan Street,
T.Nagar, Chennai-17.

...Petitioner

.Vs.

1. Commissioner of Police,
Greater Chennai,
Vepery,
Chennai.

2. Inspector of Police,
EDF-II Team-III,
Central Crime Branch,
Vepery,
Chennai 600 007.

3.G.Swaminathan

4.S.Radhika Malini

5.S.Bhanumathi

...Respondents

(R 3 to R 5 are impleaded as per order
in Crl.MP.No.17309/2019 in Crl.OP.N.25873/2019
dt.26.11.2019).

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to take further action on the petitioner's complaint dated 05.01.2018.

For Petitioner : Mr.S.Ramachandran
For Respondents: Mr.C.Raghavan
Government Advocate
for R 1 and R 2
Mr.Gupta Ravi
for R 3 and R 4
DR.P.Vasudevan
for R 5

O R D E R

This Criminal Original Petition has been filed to direct the respondent police to register the complaint based on the petitioner's complaint dated 05.01.2018.

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

4.This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1.Commissioner of Police,
Greater Chennai,
Vepery,
Chennai.

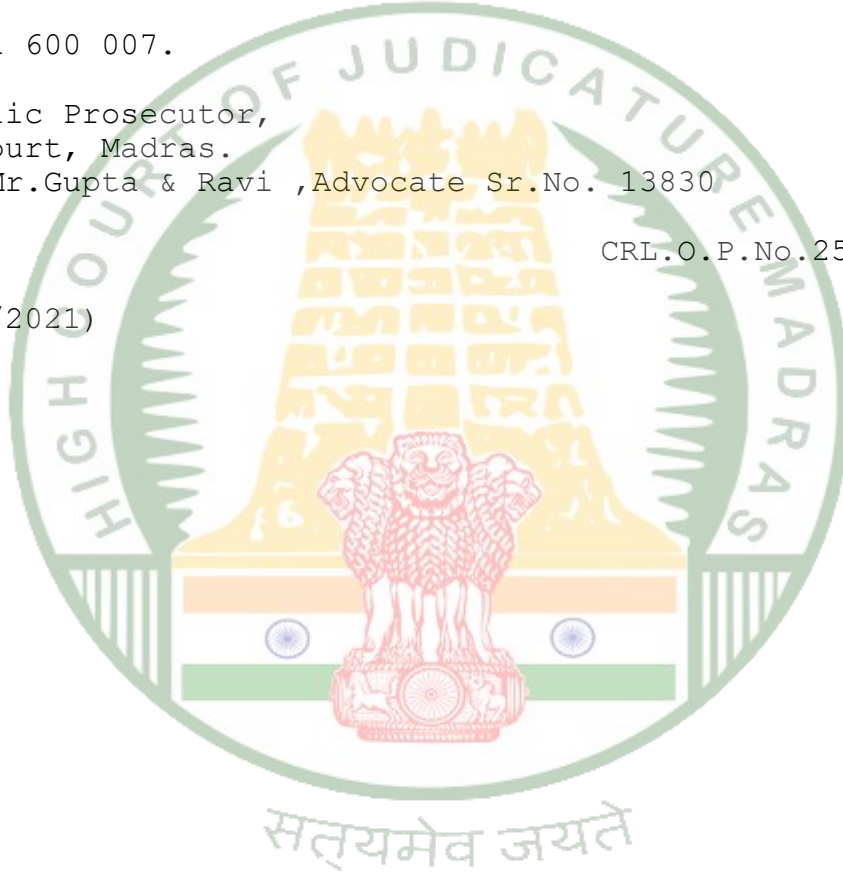
2.Inspector of Police,
EDF-II Team-III,
Central Crime Branch,
Vepery,
Chennai 600 007.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.Gupta & Ravi ,Advocate Sr.No. 13830

CRL.O.P.No.25873 of 2019

SKY(CO)
RMP(29/03/2021)



WEB COPY