



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2021

CORAM

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.(MD)No.5035 of 2021

D.Valan Kumar

: Petitioner

Vs.

1.The Central Bureau of Investigation,
represented by its Director,
Plot No.5-B, 6th Floor, CGO Complex,
Lodhi Road, Jawaharlal Nehru Stadium Marg,
New Delhi - 110 003.

2.The Superintendent of Police,
Central Bureau of Investigation,
A-Wing, Block A-4, 3rd Floor,
Rajaji Bhavan, Besant Nagar,
Chennai - 600 090.

3.I.Krishna Pillai,
Chairman,
M/s.Cape Institute of Technology,
Tirunelveli District - 627 114.

4.K.Iyyappa,
Director,
M/s.Krisva Power Private Limited,
Tirunelveli - 627 861.

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents 1 and 2 to register a case based on the complaint given by the petitioner, dated 09.02.2021 and to investigate into the matter.

For Petitioner

:Mr.S.Joel

For R1 and R2

:Mrs.C.Victoria Gowri,

Assistant Solicitor General of India

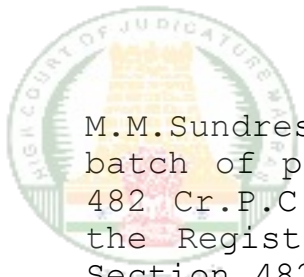
For R3 and R4

:Mr.C.S.S.Pillai

ORDER

This petition has been filed to direct the respondents 1 and 2 to register a case based on the complaint given by the petitioner, dated 09.02.2021 and to investigate into the matter.

2.When the matter taken up for hearing today, Mr.C.S.S.Pillai, learned Counsel for the respondents 3 and 4 submitted that how the Registry had numbered this petition is not known. He further submitted that as per the Ruling of the Honourable Division Bench of this Court, presided over by Their Lordships, Mr.Justice



M.M.Sundresh and Mr.Justice N.Sathish Kumar, had passed orders in a batch of petitions in a similar nature that petition under Section 482 Cr.P.C. under inherent power shall not be misused. Therefore, the Registry was directed not to number the petition filed under Section 482 Cr.P.C. for a direction to the CBI to register the case and investigate the same. The learned Counsel for the respondents 3 and 4 had also relied upon the Rulings of the Honourable Supreme Court, based on which, the Honourable Division Bench of this Court had passed the above order.

3.Based on the submission of the leaned Counsel for the respondents 3 and 4, remarks were called from the Registry, as to how this petition was numbered. On perusal of the Ruling (cited supra), it is found that there are guidelines issued by the Honourable Division Bench of this Court. However, the Registry, in this case, had not taken notice of the same. Therefore, this Criminal Original Petition is dismissed as not maintainable.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Central Bureau of Investigation,
represented by its Director,
Plot No.5-B, 6th Floor, CGO Complex,
Lodhi Road, Jawaharlal Nehru Stadium Marg,
New Delhi - 110 003.

2.The Superintendent of Police,
Central Bureau of Investigation,
A-Wing, Block A-4, 3rd Floor,
Rajaji Bhavan, Besant Nagar,
Chennai - 600 090.

CRL.O.P. (MD)No.5035 of 2021
28.04.2021

KB(11.05.2021) 2P 3C